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Chairman: Mr. Galušlea ..... (Czech Republic)

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The meeting was called to order at 10.15 a.m.

Agenda item 109: Advancement of women (*continued*) (A/C.3/54/L.13, L.15 and L.17/Rev.1)

Draft resolution A/C.3/54/L.13: Traditional or customary practices affecting the health of women and girls

1. **Ms. Tahzib-Lie** (Netherlands), introduced draft resolution A/C.3/54/L.13 on behalf of the sponsors and noted that Algeria, Barbados, Belarus, Brazil, Burkina Faso, Colombia, Côte d'Ivoire, Cuba, Egypt, Georgia, Guinea, Honduras, Iraq, Madagascar, Mongolia, Nigeria, Republic of Moldova, Saint Lucia, Sri Lanka, Swaziland, Ukraine and Uruguay joined in sponsoring the draft resolution. For the third year in a row the Committee had before it a draft resolution on the subject, and she expected that, as in the past, it would be adopted without a vote. The sponsors hoped that its adoption would contribute to the elimination of the practices condemned in it, particularly female genital mutilation; that would indeed be an important step towards the improvement of the status and health of women, gender equality and the empowerment of women. She recalled that the General Assembly would review progress made during its special session entitled "Women 2000: gender equality, development and peace for the twenty-first century".

Draft resolution A/C.3/54/L.15: Improvement of the situation of women in rural areas

2. **Ms. Otgontsetseg** (Mongolia) introduced draft resolution A/C.3/54/L.15 on behalf of the sponsors and noted that Benin, Ethiopia, Guinea, Kyrgyzstan and Sri Lanka wished to join the sponsors. Referring to the report of the Secretary-General on the improvement of the situation of women in rural areas (A/54/123), she noted that women contributed on average more than 70 per cent of the labour necessary for food production in sub-Saharan Africa, accounted for approximately 50 per cent of agricultural production in Asia and played a dominant role in fishing and agriculture in the Pacific region, the Middle East and North Africa. The Secretary-General had also pointed out that the role of women in agriculture had been greatly under-reported and that new comparative studies should be undertaken. The sponsors hoped that the draft resolution would be adopted by consensus as in the past.

Draft resolution A/C.3/54/L.17/Rev.1: Convention on the Elimination of All Forms of Discrimination against Women

3. **Ms. Eckey** (Norway), introduced draft resolution A/C.3/54/L.17/Rev.1 on behalf of the sponsors and said that Bhutan, Cyprus, Guatemala, Kyrgyzstan, New Zealand and Slovakia wished to join the sponsors. Her delegation welcomed progress made in the implementation of the Convention, in particular the adoption by the General Assembly of the Optional Protocol to the Convention and hoped that the draft resolution would be adopted without a vote.

Agenda item 107: Crime prevention and criminal justice (*continued*) (A/54/3, A/54/69-E/1999/8 and Add.1, A/54/289, 340, 368 and 417; A/C.3/54/2; A/C.3/54/L.3, L.4, L.5 and L.6)

Agenda item 108: International drug control (*continued*) (A/54/3, A/54/186, A/54/293-E/1999/119, A/54/314-S/1999/942 and A/54/368; A/C.3/54/L.7)

4. **Mr. Kazykhanov** (Kazakhstan) said that organized crime and drug trafficking, aided and abetted by corruption, posed a serious threat to humankind. Flourishing international criminal activity was having an adverse effect on relations between States and no State could alone eliminate that scourge, which recognized no borders. Cooperation must therefore be universal and the United Nations had a major role to play in the fight against organized crime.

5. His delegation was convinced that an international convention against transnational organized crime would be an effective international legal instrument for Member States in their common struggle, and he hoped that preparatory work would be completed by 2000. The additional protocols to the convention must become an effective mechanism to complement the activities undertaken by States to suppress the most dangerous types of offence. The Tenth United Nations Congress on the Prevention of Crime and the Treatment of Offenders would give a powerful impetus to the efforts of the international community to combat crime and define strategic directions for the twenty-first century.

6. Recognizing that crime and drug trafficking were threatening democratization and liberalization, the President of Kazakhstan had stated that the fight against corruption and tax evasion was one of the most important tasks ahead. The State Anti-corruption Commission and the Ministry of State Revenues had been granted wide-ranging powers for that purpose; the new Criminal Code and other legislation

developed in accordance with international standards, formed the legal basis for the anti-crime activities of national law enforcement bodies.

7. It was essential to strengthen international cooperation in the area of the prevention and elimination of corruption. Measures to combat the corruption associated with organized crime must be included in the draft convention against transnational organized crime. The workshop on combating corruption to be organized in conjunction with the Tenth United Nations Congress on the Prevention of Crime and the Treatment of Offenders would be a welcome and timely event.

8. Action to combat violence against women was one of the priorities set out in his Government's policy to advance the status of women. It was encouraging to see that the problems of crime and criminal justice were being examined from a gender perspective, as illustrated in the Secretary-General's report on the elimination of violence against women (A/54/69-E/1999/8). The workshop on women in the criminal justice system during the Tenth Congress would provide very useful practical information concerning crimes committed by women.

9. Organized crime currently threatened regional as well as international security and the Declaration on the Principles Guiding Relations among the States Members of the Conference on Interaction and Confidence-Building Measures in Asia (CICA), contained in document A/54/368, adopted on 14 September 1999, had stressed the need to strengthen cooperation in social fields such as the fight against drug trafficking, drug abuse and organized crime. The participants at the Summit of Heads of State of the "Shanghai Five" (China, Kazakhstan, Kyrgyzstan, Russia and Tajikistan) had discussed, *inter alia*, international crime issues and had declared in their final document that effective measures must be taken to fight against international crime in all its forms. The decisions taken at that meeting provided the basis for cooperation among the competent authorities of the States in question.

10. At its fifth high-level meeting in May 1998, the Economic Cooperation Organization (ECO), which provided a framework for cooperation in combating crime, had called on its member States to work together to combat the smuggling of narcotics and psychotropic substances and had adopted plans to train drug control experts.

11. States members of the Commonwealth of Independent States (CIS) were coordinating their efforts on the basis of the interstate programme of joint measures to combat organized crime in the CIS countries up to the year 2000, which the representative of Belarus had described in detail at a previous meeting of the Committee. Kazakhstan was also a party to multilateral legal assistance treaties.

12. In conclusion, he said he hoped that the Tenth United Nations Congress on the Prevention of Crime and the Treatment of Offenders and the adoption of new international legal instruments would help to strengthen efforts to combat crime.

13. **Mr. Nuanthasing** (Lao People's Democratic Republic) cited some of the statistics provided by the Executive Director of the United Nations International Drug Control Programme (UNDCP) and described several of his Government's activities. In particular, he mentioned the creation in the early 1990s of a National Commission for Drug Control and Supervision and a Counter-Narcotic Office; an amendment to article 135 of the Penal Code to provide more severe penalties for drug trafficking; and the launching of many development projects. As a result of those initiatives, illicit opium production had fallen from 140 tons in 1996 to 123 tons in 1997. In 1998, 405 offenders had been arrested and large quantities of various drugs had been seized. His Government was making every effort to combat opium production at the national, regional and international levels and to strengthen its cooperation with other countries and with international organizations. In preparation for Expo 2000 in Hanover, Germany, an international jury had selected five projects, including one developed by his country with UNDCP assistance, the purpose of which had been to reduce opium poppy growing in the Palaveck region. As a result of that fruitful cooperation, opium production had fallen from 3.5 tons to less than 100 kilograms; the region, previously rice-deficient, currently had a rice surplus; and the living conditions of its 6,000 inhabitants had greatly improved.

14. In May 1999, his Government and UNDCP had signed a historic agreement that represented a breakthrough in efforts to eliminate a major source of opium production in Asia and had enabled his Government and the donors to address openly a development issue that was closely related to poverty and drug consumption in the north of the country. The UNDCP strategy was to invest $80 million over a six-year period in the opium growing districts of his country and to support ongoing and new projects. His Government was determined to translate that programme into reality with the help of UNDCP and the international community. It was also committed to eradicating illicit opium production and consumption, to cooperating with UNDCP and to achieving the goals that had been set. Because the well-being of many other countries depended on its success, his Government called on the international community to support the

to be made between terrorism and a people's legitimate right to fight foreign occupation. The latter was a right recognized by international instruments such as General Assembly resolution 46/51 and the Charter of the United Nations. His delegation condemned terrorism in all of its forms and pointed out that his country was itself a victim of terrorism as a result of the Israeli occupation and Israeli attacks in the south of Lebanon.

18. **Mr. Bocalandro** (Argentina) condemned all forms of terrorism and stressed that the fight against terrorism was an internal, criminal matter. Human rights violations were the result of acts by States and their agents. While supporting efforts to fight the scourge of terrorism, his delegation had been obliged to abstain because the draft resolution, in equating terrorist acts with human rights violations, conferred upon terrorism undue legitimacy.

19. **Mr. Sulaiman** (Syrian Arab Republic) reiterated his delegation's condemnation of all forms of terrorism, which were criminal acts that violated the territorial integrity and sovereignty of States. His delegation had nevertheless abstained during the voting. He regretted that the draft resolution made no reference to General Assembly resolution 46/51 which had been adopted by consensus, or relevant resolutions of the Commission on Human Rights. He stressed the need to develop a definition of international terrorism which was acceptable to all States. He reiterated that the Charter of the United Nations, the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations and other international instruments guaranteed the legitimate right of peoples to struggle against foreign occupation. He stressed that there must be a distinction made between terrorism and that just struggle, without which any discussion of terrorism was pointless.

20. **Mr. Gallagher** (United States) regretted that his delegation had been obliged to abstain. He stressed his Government's commitment to the fight against terrorism and to international cooperation in that area. Regrettably, however, the draft resolution, in describing terrorist acts as violations of human rights, gave terrorism undue legitimacy. Terrorists were not States, they were criminals who had to be held responsible for their actions. He further suggested that discussions of terrorism were better suited to other forums, such as the Sixth Committee.

21. **Mr. Tapia** (Chile) said that his delegation had been obliged to abstain. He stressed that only States or their agents could be held responsible for violations of human rights whereas terrorist acts were crimes to be punished by internal criminal codes. Any attempt to assimilate terrorist acts to human rights violations could weaken the application of domestic criminal law.

22. **Ms. Monroy** (Mexico) strongly condemned terrorism in all its forms. Terrorism could damage the stability of States and she recognized that terrorist acts could give rise to situations where it was difficult to protect human rights. Nevertheless her delegation was concerned at the apparent link in the draft resolution between terrorist acts and human rights violations. She stressed that terrorist acts were simply criminal acts. That distinction should be made clear in the international community's efforts to combat terrorism. Her delegation had therefore been obliged to abstain.

23. **Mr. Wenaweser** (Liechtenstein) stressed the need to fight terrorism and supported the efforts of the Sixth Committee in that area. The draft resolution was not a satisfactory reflection of the complex nature of the question. It did not distinguish between States or their agents and other actors. In addition, he would have preferred that the fourteenth preambular paragraph should be deleted since it implicitly referred to international norms dealing with refugees. Failing deletion, there should at least be a reference to the principle of non-refoulement. His delegation had therefore abstained.

Draft resolution A/C.3/54/L.67: Protection of migrants

24. **The Chairman** informed the Committee that the draft resolution had no programme budget implications and noted that Algeria wished to be added to the list of sponsors.

25. **Mr. Albin** (Mexico) noted with regret that one delegation had expressed concerns about the tenth preambular paragraph. He stressed that the paragraph simply referred to an advisory opinion of an important human rights body in his region, and was relevant to the subject of the draft resolution. He hoped that the draft resolution would be acceptable to all delegations and that it would be adopted without a vote.

26. **The Chairman** informed the Committee that a separate recorded vote had been requested on the tenth preambular paragraph of the draft resolution.

27. *A recorded vote was taken.*

In favour:

Algeria, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Bahamas, Bangladesh, Barbados, Belarus, Belgium, Belize, Benin, Bolivia, Bosnia and Herzegovina, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Cambodia, Cameroon, Canada, Cape Verde, Chad,

Chile, Colombia, Congo, Costa Rica, Côte d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Denmark, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Ethiopia, Finland, France, Gambia, Germany, Ghana, Greece, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Hungary, Iceland, Ireland, Italy, Japan, Jordan, Lao People's Democratic Republic, Latvia, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Maldives, Mali, Malta, Mauritius, Mexico, Monaco, Morocco, Mozambique, Namibia, Netherlands, New Zealand, Nicaragua, Nigeria, Norway, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Samoa, San Marino, Senegal, Slovakia, Slovenia, Solomon Islands, South Africa, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Thailand, The former Yugoslav Republic of Macedonia, Togo, Tunisia, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, Uruguay, Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe.

Against

United States of America.

Abstaining:

Azerbaijan, Bhutan, China, Estonia, Georgia, India, Indonesia, Jamaica, Kenya, Madagascar, Malaysia, Marshall Islands, Micronesia (Federated States of), Myanmar, Nepal, Pakistan, Sierra Leone, Singapore, Trinidad and Tobago.

28. *The tenth preambular paragraph of draft resolution A/C.3/54/L.67 was adopted by 121 votes to 1, with 19 abstentions.*

29. **The Chairman** said he took it that the Committee wished to adopt the draft resolution, as a whole, without a vote.

30. *Draft resolution A/C.3/54/L.67, as a whole, was adopted.*

31. **Mr. McCamman** (United States) said he regretted that it had been necessary to request a vote on the tenth preambular paragraph and that his delegation had been obliged to vote against it. He strongly supported the Committee's efforts to improve the conditions of migrant workers and the fundamental goals of the draft resolution. Unfortunately the main sponsor had included a reference to a recent decision of the Inter-American Court of Human Rights in an advisory proceeding initiated by the main sponsor. That proceeding concerned the death penalty and the Vienna Convention on Consular Relations. He noted that the States party to the Vienna Convention had not charged the Inter-American Court of Human Rights, which was not a United Nations body, with the interpretation of the Convention. The proceeding before the Inter-American Court had unquestionably been directed against the United States. Nevertheless the Court had issued its decision in Spanish only and the United States had not even had a fair opportunity to read and evaluate the decision. He could not, therefore, agree to take note of that decision as stated in the tenth preambular paragraph.

32. **Ms. Chan** (Singapore) expressed her delegation's concern with the first part of paragraph 3, which called upon States to review and revise immigration policies with a view to eliminating all discriminatory practices against migrants. She noted that migrants in Singapore enjoyed the same protection under the law as citizens, and in some cases enjoyed more protection than citizens.

33. Singapore had a large, heterogenous population relative to its very small land area. An uncontrolled influx of immigrants, whether permanent or temporary, would lead to extensive social and economic disruption. She therefore believed that immigration policy should be a domestic issue within the sovereign jurisdiction of each State, which would develop its policy based on its own particular circumstances. In the interests of harmony her delegation had nevertheless joined in the consensus on the draft resolution but reserved the right to take up the issue in the future.

Draft resolution A/C.3/54/L.72: Situation of human rights in Cambodia

34. **The Chairman** said that the draft resolution contained no programme budget implications.

35. **Ms. Newell** (Secretary) read out the oral corrections made to the draft resolution by the representative of Japan on behalf of the sponsors at the time of its introduction. She also read a statement submitted by the Controller informing the Committee that, with reference to paragraph 1 of the draft resolution, resources for the operation of the Office of the High Commissioner in Cambodia and the coordination of the geographic desks had been included in the relevant section of the proposed programme budget for 2000-2001. The same applied, *mutatis mutandis*, to draft resolution A/C.3/54/L.78 (which would be considered later in the meeting) in respect of paragraph 5, concerning emergency preparedness and response mechanisms.

36. In that context, the Controller also drew attention to General Assembly resolution 45/248, part B VI.

as a transit country; hence the importance of cooperation with neighbouring countries.

38. In Qatar drug addicts were considered to be victims rather than criminals and the focus was consequently more on prevention and rehabilitation than on repression (including through the establishment of treatment centres and the launching of awareness campaigns).

39. The drug problem had assumed alarming proportions, so much so that profits from drug trafficking and money-laundering exceeded the gross national product (GNP) of a good many States.

40. In order to tackle the problem, many States, Qatar included, had promulgated laws specific to their traditions and national sensitivities; those laws provided, *inter alia*, for the death penalty. That was in line with article 6 of the International Covenant on Civil and Political Rights; the penalty was moreover, just and necessary to ensure respect for the right of victims and it was necessary to enable countries to live in peace and security. He was surprised that the European Union had submitted a draft resolution which would not enjoy consensus. The European Union and its member countries had the right to pass legislation in accordance with their beliefs, but that legislation would not be practicable at the international level. The European Union's proposal amounted to interference in the internal affairs of other States and an infringement of their sovereignty. His delegation strongly hoped that the European Union, out of concern for consensus and respect for diversity, would withdraw its draft resolution and not seek to impose its culture and beliefs on others.

41. Trafficking in women and children (for the purpose of sexual exploitation or slavery) and corruption constituted further manifestations of transnational crime which had caused all States to pass laws. Countries maintaining the death penalty in order to tackle such scourges needed to do so in order to protect society and respect the rights of victims.

42. **Ms. Tohtohodjarva** (Kyrgyzstan) pointed out that at the dawn of the twenty-first century and in an era of globalization, international cooperation was more necessary than ever to the resolution of such complex problems as drug trafficking.

43. Drug trafficking and the associated problem of organized crime had also affected Central Asia and was threatening the political and social stability of the region's countries and of the international community as a whole.

44. Armed factions associated with drug syndicates had infiltrated southern Kyrgyzstan, and although they had lately withdrawn to Tajikistan, strengthened international cooperation was needed to deal with that type of situation. To that end, the establishment of an international database providing access to research results, to international instruments on drug trafficking and corruption and to best practices would be an excellent initiative.

45. Links between the various mechanisms for tackling transnational organized crime should be strengthened. Research could help uncover criminal associations and provide reliable data on new modalities of international crime. Kyrgyzstan thus supported the proposal of the United Nations Crime Prevention and Criminal Justice Programme regarding the preparation of a biennial report on organized crime in the field of narcotic drugs.

46. Regional cooperation efforts were under way in Central Asia. In September 1999, the first organizational session of the intergovernmental committee to combat illicit trafficking in narcotic drugs and drug addiction of the Central Asian Economic Community had been held at Bishkek. Measures had been taken to strengthen cooperation and to create a common legislative base. Kyrgyzstan was cooperating with the United Nations Drug Control Programme (UNDCP) and had recently signed an agreement to that end. The Executive Director of the United Nations Office for Drug Control and Crime Prevention had recently visited the country. Kyrgyzstan attached great importance to the participation of the Executive Director at the second meeting of signatories to the Memorandum of Understanding on cooperation between Central Asian countries in combating drugs; the meeting had ended with the signing of a protocol on strengthening cooperation between those countries and on the Office's support for their activities.

47. **Ms. Faetanini** (San Marino) said that the General Assembly, at its twentieth special session, had stressed that drug supply and demand were closely linked and had placed the drug problem in its true perspective by emphasizing its social, economic and political implications.

48. Judicial cooperation among States was crucial to combating the illegal drug trade, a $400 billion business in which money was laundered through the financial and banking system. In order to tackle the problem, San Marino had, in 1995, signed the European Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime.

49. As the major consumers of illicit drugs, industrialized countries would do well to refer to the Declaration on the Guiding Principles of Drug Demand Reduction, which represented the first international agreement in that field. In view of the devastating consequences of narcotic drugs,

which were consumed by some 200 million users around the world, measures to tackle the problem should not be delayed any longer. In particular, a preventive culture should be built, involving schools families and communities. The work carried out by UNDCP in the field of prevention and the international campaign for a drug-free twenty-first century should be commended.

50. Nonetheless, demand for drugs continued to grow. In order to improve prevention strategies, it was necessary to understand the root causes of such a pattern of self-destruction and to determine the underlying logic, which resisted all rational explanation. Indeed, as long as demand persisted, the eradication of drugs would be a Sisyphean task.

51. In San Marino, as in other developed countries, the high standard of living seemed to encourage consumption of so-called recreational drugs such as ecstasy. Control of such amphetamine-type stimulants — which were spreading rapidly — was complicated by the fact that anyone could produce them anywhere. In 1998, her Government had accordingly hosted an international expert level meeting on drug consumption in recreational areas.

52. Drug addiction represented a very human answer to very human difficulties. The Commission on Narcotic Drugs, at its forty-second session, had identified the following problems: unemployment, neglect, violence and sexual abuse. Indeed, the list might well have included abuse of any kind, poverty and armed conflict. However, in the case of socially integrated youth, it must be humbly acknowledged that there was, as yet, no satisfactory answer.

53. In order to better counteract the problem of drug consumption, it seemed crucial to involve those men and women who had once been drug abusers. Their contribution would be particularly valuable to experts studying demand reduction strategies and the causes of drug abuse. Her delegation believed that if the emphasis was placed on condemnation and criminalization — rather than on rehabilitation and reintegration — it would not be possible to enlist the help of drug abusers in eradicating drug demand.

54. **Mr. Rabuka** (Fiji) said that, in an increasingly interdependent world, the porosity of national borders created new risks of terrorism and corruption and could even threaten sovereignty. The enormity of such threats called for a collective response from the international community.

55. The Government of Fiji had expended considerable resources on various measures to reduce the supply of and demand for illicit drugs. The police, the Ministry of Education and non-governmental organizations had been involved in educational programmes targeted specifically at young people. Crime prevention committees, in which the chiefs participated, had been established to address the problem of the cultivation of marijuana. Since 1990, those guilty of illegal possession of drugs were subject to mandatory imprisonment.

56. On 25 September 1999, Fiji had held its first "Crime Free Day", with programmes designed to increase awareness of crime and the role of the police, parents, teachers, churches and youth organizations in preventing criminal activities.

57. Fiji was aware that criminal organizations used their strategic location in order to carry out illegal activities. Accordingly, the Government had enacted legislation on mutual assistance in criminal matters and on the proceeds of crimes; it had also signed agreements on such matters with the Governments of Australia and New Zealand.

58. Anxious to ensure good governance and transparency in public administration, the Government was studying the possibility of establishing a permanent anti-corrupt practices commission.

59. His delegation wished to draw attention to the close relationship between poverty and unemployment, on the one hand, and drug trafficking and abuse, on the other, as it had already done during the fifty-third session. Without sustainable development, no programme to combat illicit drugs could be effective. Consequently, it was essential that the international community should address the root causes of the economic difficulties of developing countries.

60. The small Eastern Caribbean island States had been accused of being a money-laundering centre because one third of the $8 trillion deposited in offshore banking havens had been invested there. It was true that, owing to the decline in the banana industry, those countries needed other sources of revenue, but not all the money that was invested in them was illegal money — far from it. The international community should adopt a more balanced attitude: it should not ignore the economic problems of the small island developing States while reproaching them for seeking other sources of financing.

61. **Mr. Ben Shaban** (Libyan Arab Jamahiriya) said that the drug problem was a growing concern and that the solution required the international community to increase its efforts to prevent drug production and consumption.

62. Preventive action (education and information) was required in order to reduce demand, and drug addicts should be rehabilitated. To reduce the supply, illegal crops should be destroyed, international cooperation for developing

58. *Draft resolution A/C.3/54/L.78, as orally revised, was adopted.*

59. **Mr. Bhattacharjee** (India) said that his delegation had joined the consensus on the draft resolution, but considered that paragraph 5 should have been updated to reflect the fact that the United Nations Development Programme (UNDP) had been engaged in disaster prevention for the past two years. Moreover, although humanitarian assistance and human rights were mutually reinforcing, they should be kept separate.

(c) Human rights situations and reports of special rapporteurs and representatives (*continued*) (A/C.3/54/L.59, L.81, L.82, L.86, L.87/Rev.1 and L.96-L.98)

Draft resolution A/C.3/54/L.86: Situation of human rights in Bosnia and Herzegovina, the Republic of Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro)

60. **Mr. Carle** (United States of America) introduced the draft resolution on behalf of the original sponsors and of Australia, Bosnia and Herzegovina, Japan, Pakistan and Poland. The sponsors wished to make a number of changes to the published text: in paragraph 13, the words "the rights of" should be inserted between the words "of" and "persons"; in paragraph 40, the words "and of the Government of the Republic of Serbia" should be inserted between the words "Montenegro)"and "or"; and in paragraph 41, the words "and of the Government of the Republic of Serbia" should be inserted between the words "Montenegro)"and "indicted".

61. The draft resolution was relevant to the United Nations community and to the three countries mentioned in its title because building peace was always a most arduous task. The draft resolution represented an opportunity to help guide international efforts at building healthy, multi-ethnic democracies in the three countries and to maintain the United Nations community's involvement with them; it would also concentrate the countries' Governments on areas where their unfortunate recent histories continued to distort their societies.

62. Considering all three countries together was reasonable, as they were all signatories to the Dayton Peace Agreement and had all been parts of the former Yugoslavia. However, they had sharply varied records. Progress had been made in Bosnia and Herzegovina and the Republic of Croatia regarding their human rights situations. Tragically, the Federal Republic of Yugoslavia (Serbia and Montenegro) continued to ignore its obligations flowing from the Peace Agreement and to abuse its own people's rights. Worse still, the regime of President Milošević had turned a crisis of its own making into a tragedy of historic proportions. To cite only a few examples from a long list of outrages, during the past year the Milošević regime had engaged in Kosovo in a policy of mass deportation, arson and shelling and systematic seizures of documents whereby it had cynically turned citizens into non-citizens. It was for that reason that President Milošević and other officials of the Federal Republic of Yugoslavia (Serbia and Montenegro) had recently been indicted by the International Criminal Tribunal for the Former Yugoslavia, and the draft resolution rightly called for them and all other indictees to be brought to justice: if that did not happen, improvement of human rights in the region would be impossible.

63. An amendment dealing with sensitive points that the Third Committee did not normally have in its mandate had been proposed to the draft resolution in the belief that citing a clause from the corresponding resolution of the previous session would improve the text. That was a serious error. Much had happened in the past year, most of it bad, and the situation in Yugoslavia was no longer what it had been in November 1998. To include the amendment would be to infringe the prerogatives of the Security Council. The Security Council had, in its sensitive and carefully agreed resolution 1244 (1999), made clear that in the long term Kosovo's status would be a matter to be decided under United Nations auspices. To include the proposed amendment would, by suggesting a contrary process, subtly pervert the guidelines and agreement embodied in the Security Council resolution and endanger the United Nations effort to build a successful multi-ethnic society in Kosovo. It would also comfort the Milošević regime by implying that the international community was backing away from its commitments in that resolution. The Committee must not inadvertently grant to that regime what the Security Council had taken such care to guard against. It must therefore reject the amendment.

Draft resolution A/C.3/54/L.87/Rev.1: Situation of human rights in Rwanda

64. **Mr. Norfolk** (Canada) introduced the draft resolution on behalf of his own country and of Australia, Japan, New Zealand and the United States, which had joined as sponsors. The text recognized that the Rwandan authorities were endeavouring, in a very difficult environment, to improve the human rights situation in the country and urged not only them, but also the international community to continue in that vein. Following negotiation and agreement with

Rwanda, the sponsors wished to make a number of changes to the published text of the draft resolution.

65. Paragraph 8 should be revised to read:

> "*Notes* improvements in the human rights situation in Rwanda since the last session of the General Assembly, expresses concern at those violations of human rights that are reported, and urges the Government of Rwanda to continue to investigate and prosecute such violations;".

66. Paragraphs 15 and 17 should be deleted; in paragraph 18, the phrase "to address weakness in legislation" should be deleted; paragraph 19 should be revised to read:

> "*Encourages* the Government of Rwanda, other international organizations and non-governmental organizations to provide, within a mutually agreed framework of cooperation, support for the reconstruction of a human rights infrastructure;";

and paragraph 25 should be deleted.

Amendment in document A/C.3/54/L.96 to draft resolution A/C.3/54/L.86: Situation of human rights in Bosnia and Herzegovina, the Republic of Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro)

Amendments in document A/C.3/54/L.97 to draft resolution A/C.3/54/L.82: The situation of human rights in Kosovo

67. **Mr. Zmeevski** (Russian Federation) said that he wished to introduce the amendments in documents A/C.3/54/L.96 and L.97 together.

68. His delegation was proposing amendments to draft resolution A/C.3/54/L.82 because, regrettably, the operative part of the draft resolution was not free from reproach. He understood that the authors of that text were looking to the future. It should not be forgotten, however, that history contained many examples of the tragic consequences of arbitrarily altering universally recognized boundaries and calling in question the principle of the territorial integrity of States, the principle on which, for example, the pan-European Helsinki Process was based. The amendments that his delegation was proposing sought to preserve that principle and virtually reproduced provisions of Security Council resolution 1244 (1999). The principle of territorial integrity was fundamental to the resolution of the Kosovo situation; ignoring it would jeopardize the possibility of a solution, as well as peace and security in the region as a whole, and might, therefore, do irreparable harm to human rights in Kosovo and in the Federal Republic of Yugoslavia as a whole.

69. Similar considerations had motivated his delegation's proposed amendment to draft resolution A/C.3/54/L.96, which reproduced in full the fourth preambular paragraph of General Assembly resolution 53/163 on the former Yugoslavia.

70. He expressed surprise that the delegation of the United States had apparently gone against the Committee's established practice by commenting on one of his country's amendments before it had been introduced.

Amendments in document A/C.3/54/L.98 to draft resolution A/C.3/54/L.81: Situation of human rights in the Sudan

71. **Mr. Gallagher** (United States of America) withdrew the proposed amendments submitted by his delegation in document A/C.3/54/L.98.

72. **The Chairman** invited the Committee to take action on draft resolution A/C.3/54/L.59, which contained no programme budget implications, and noted that Liechtenstein and Malta had joined the sponsors.

73. **Mr. Naber** (Jordan), making a general statement on the draft resolution before the vote, said that in order to achieve international consensus on human rights, the comprehensive nature of those rights must be affirmed, ensuring that they were enjoyed by all persons, regardless of their gender, origin, religion, political affiliation or any other distinguishing characteristics.

74. The world had achieved great progress in the previous half century in strengthening, promoting and ensuring the widespread protection of human rights through the adoption of international human rights instruments and the exertion of the necessary political will for their implementation. Human rights issues in all States represented the legitimate interests of the international community.

75. International monitoring of human rights standards touched upon a sensitive issue relating to the principle of sovereignty of States. That principle could not, however, be used to legitimize coercive treatment of human beings, including behaviour that demonstrated contempt for the dignity of individuals or denied them their rights as guaranteed under international law.

76. If human rights standards constituted the basis of justice in the world, the process of monitoring their application should be objective and accurate. Accountability should be based on agreed standards and norms, promoted and developed by all individuals, groups and States through a process of constructive and ongoing dialogue.

into account the differing legal systems. It had been in that spirit that Colombia had participated in the Vienna meetings of the Ad Hoc Committee on the Elaboration of a Convention against Transnational Organized Crime and of associated protocols.

85. On the subject of that convention, his delegation had four observations to make.

86. First, it was important to clearly define the term "transnational organization" and to determine if application of the Convention would depend on whether the crimes defined therein presupposed the existence of such an organization; without such clarification the Convention's scope of application could be restricted.

87. Second, it was important to introduce a mechanism for conflict resolution based on solid legal criteria in order to avoid jurisdictional conflicts.

88. Third, three protocols had been annexed to the Convention. He welcomed the decision of the Commission on Crime Prevention and Criminal Justice to expand the scope of the protocol on trafficking in women and children to include traffic in all human beings. With regard to the protocol on the illicit manufacture of and trafficking in firearms, he noted the possibility of referring to a similar convention that had been adopted some time previously in Latin America. In any case, a protocol would be insufficient by itself; it was also necessary for States to adopt national legislation in the matter. As for the protocol on the illegal transport of and trafficking in migrants, its utility was borne out by the figures: 4 million illegal migrants and $7 billion in illegal profits each year. Nevertheless, it was important that the protocol should not penalize the migrants themselves, who were the victims of the traffic, but rather the criminal organizations involved. Moreover, mechanisms to facilitate the repatriation of victims should be implemented.

89. Finally, his delegation strongly favoured the adoption of an international legal instrument to combat corruption that could be modelled on the Inter-American Convention already in force. In that regard, the Centre for International Crime Prevention could play an important role in helping to strengthen national institutions. Fortunately, voluntary contributions from Governments had allowed a considerable increase in its budget.

90. **Mr. Alaei** (Islamic Republic of Iran) recalled that the new forms of criminality made possible by advances in science, technology and communications had spurred the United Nations to increase its efforts to combat the phenomenon, by establishing the Ad Hoc Committee on the Elaboration of an International Convention against Transnational Organized Crime, which was also drafting three protocols. His delegation was of the view that the remaining divergences of opinion among States on the topic of the Convention and its protocols were due to the fact that certain States lacked the material and human means to ensure its implementation. Development of technical cooperation activities to assist developing countries to implement their national and international commitments deserved greater international attention.

91. His delegation was of the view that it would not be possible to insist that the death penalty be abolished in all societies and all regions, as each country had the inviolable right, in accordance with the principles of international law, to freely choose its own criminal justice system as long as it respected the commitments it had undertaken in the framework of international human rights instruments.

92. It attached great importance to the work of the United Nations Crime Prevention and Criminal Justice Programme and to the work of the Centre for International Crime Prevention, while at the same time emphasizing the need to maintain a certain balance in the Programme between issues of transnational organized crime and other more general issues; it welcomed the discussions of such issues as corruption, juvenile justice and crime prevention during the eighth session of the Commission on Crime Prevention and Criminal Justice.

93. Iran favoured the strengthening of the capacities of the Centre for International Crime Prevention, and noted with interest the global programmes against corruption and trafficking in human beings and the global studies on transnational organized crime.

94. His delegation welcomed efforts to give greater specificity to the topics of the tenth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, and also welcomed the preparation of a single draft declaration; it emphasized, however, that efforts should be made to allow for the widest possible deliberation on resolutions and decisions of the Congress.

95. **Mr. Bhatti** (Pakistan) recalled that while globalization had brought enormous economic and social benefits to millions of people, it had been accompanied by an increase in the illicit traffic in drugs, human beings, weapons and money-laundering and the integration of criminal organizations from different parts of the world. Each year, transnational organized crime took in some $1.5 trillion, while money-laundering alone involved some $300 to $400 billion.

96. International cooperation was necessary in order to combat that scourge efficiently. Pakistan hoped that the Ad Hoc Committee on the Elaboration of a Convention against Transnational Organized Crime would be able to complete its work by the beginning of the year 2000, with the cooperation and realism of the participating countries.

97. It was essential that criminals be prosecuted and punished in order to ensure the security of property and the preservation of social order. It was up to States to adopt legislation suitable to their national cultures and to prosecute and punish criminals in accordance with domestic legislation through due process of law. Pakistan respected the decision of the countries that had abolished the death penalty, but trusted that those countries would respect the decision of those which had opted for legislation adapted to their own national conditions and cultures. In view of the diversity of cultures, it was natural that different societies should have differing views on issues of crime prevention and criminal justice; that should not inhibit international cooperation to combat organized crime, with full respect for the sovereignty of States and the principle of non-interference in internal affairs and mutual respect.

The meeting rose at 12.50 p.m.

United Nations A/C.3/54/SR.19

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Held at Headquarters, New York, on 21 October 1999, at 10 a.m.

Chairman: Mr. Galuška ..... (Czech Republic)

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99-81776 (E)

The meeting was called to order at 10.10 a.m.

Agenda item 114: Elimination of racism and racial discrimination (A/54/18, A/54/98, A/54/299 and A/54/347)

Agenda item 115: Right of peoples to self determination (A/54/98, A/54/118-S/1999/633, A/54/326 and A/54/327)

1. **Mr. Bernales-Ballesteros** (Special Rapporteur of the Commission on Human Rights on the question of the use of mercenaries) said that 19 States had acceded to the International Convention against the Recruitment, Use, Financing and Training of Mercenaries. Pursuant to article 19, the Convention would enter into force following the date of deposit of the twenty-second instrument of ratification. He invited States which had not done so thus far to accede to the Convention or to ratify it as soon as possible, since the entry into force of the Convention would help to fill the current legal void and to combat mercenary activities more effectively.

2. During the past year he had visited the United Kingdom to study the question of private companies offering military security internationally and Cuba to investigate reports of mercenary attacks on tourist facilities. Since the report on Cuba was still in preparation he would confine his comments to his visit to the United Kingdom.

3. Taking advantage of legal gaps and ambiguities, private security and military assistance companies were proliferating and were intervening in areas where States were vulnerable owing to lengthy armed conflicts and the inability of Governments to assert their authority. The United Kingdom Government officials with whom he had spoken had expressed the view that the provision of democracy and human rights training to the armed forces and police of those States would lead to a reduction in the number of human rights violations, the gravity of the conflicts and recourse to the security services and military assistance which private companies were offering in the international market. They had, however, emphasized the need to draw a clear distinction between companies which recruited mercenaries and regular security companies providing legal and legitimate services. The report concurred with that view, proposing the adoption of clear rules and the constant monitoring of the companies in question by specialized public institutions.

4. The case of Sierra Leone, where military security companies had conducted operations, demonstrated that regional machinery to protect democracy and human rights should be established as well as national rules. Although regional machinery was based on clear norms, private companies were motivated by interests which could militate against peace, democracy and respect for human rights.

5. The United Kingdom government officials had unequivocally condemned mercenary activities, stating that they could jeopardize the peace, independence and prosperity of various countries, especially in Africa. If military security companies committed illegal acts under English or international law, the officials stated, their actions would be prosecuted and they would be brought to trial.

6. The meetings which he had held with non-governmental organizations and academic bodies had been equally productive for the purposes of his report (A/54/326).

7. When companies hired mercenaries to commit acts recognized as illicit by national and international law, it was not only the responsibility of the mercenaries that was compromised but also that of the companies. Thanks to his interviews in the United Kingdom, the Special Rapporteur had become further convinced of the danger inherent in the lack of State regulation of companies offering military advice and assistance and the lack of rules specifying clearly the activities which such companies were entitled to carry out and the activities which were the sole responsibility of the State. Freedom of enterprise was compatible with the principles of self-determination of peoples, State sovereignty and respect for human rights. What could not be tolerated was the constitution of private armies and privatization of warfare, which would relieve States of their obligation to uphold peace and defend life. Private companies should be made aware that they could not recruit mercenaries to intervene in matters within the jurisdiction of a State. The regulatory provisions or machinery should prohibit the recruitment and formation of armed bands constituted by mercenaries.

8. The General Assembly should bear in mind that, by offering military advice and assistance, unregulated companies were endangering the security of nations. Unless it was prepared to see its own legal foundations undermined, the international community could not accept a situation in which the world market operated unregulated in peacekeeping activities that were the responsibility of international organizations, such as the United Nations, or regional bodies. It would also be desirable for the General Assembly to renew its invitation to the United Nations High Commissioner for Human Rights to disseminate information on the adverse effects of mercenary activities on the

enjoyment of human rights and to convene an expert meeting to examine that issue.

9. **Ms. Stamatopoulou-Robbins** (Deputy Director, Office of the United Nations High Commissioner for Human Rights, New York Office), reading out the introductory statement of the Special Rapporteur of the Commission on Human Rights on measures to combat contemporary forms of racism, racial discrimination, xenophobia and related intolerance, who was unable to be present for reasons beyond his control, said that in view of the many cases on five continents people of conscience must take a stand against the upsurge of xenophobic forces and promoters of ethnic and racial hatred. A case in point was the rise of a party in Austria proclaiming xenophobic and anti-Semitic views. The expansion of racist propaganda was also being pursued on the Internet, where there were anti-black, anti-Arab and anti-Semitic Web sites.

10. The Special Rapporteur had earlier proposed that an international meeting should be convened to consider the issue. Commendable initiatives had already been taken by Canada, France, Germany, the Netherlands and Sweden.

11. The Special Rapporteur was particularly concerned about the fate of victims of racial discrimination, such as the Aborigines in Australia. He had invited the Government of Australia to initiate a review of the legal provisions limiting the access of Aborigines to land ownership or cancelling their documents of title. He trusted that the Aborigines would be brought into the decision-making process in matters of concern to them.

12. The Special Rapporteur was also taking an interest in the situation of the untouchables (*Dalits*) in India. Although the Government of India had adopted numerous legislative and constitutional measures to safeguard their rights, they had still to contend with the resistance of individuals who profited by the caste system.

13. According to the reports available to the Special Rapporteur, the Roma, also known as Gypsies, were a vulnerable minority in almost all European countries. Accordingly, the Special Rapporteur had visited the Czech Republic, Romania and Hungary and had found that, although problems subsisted, action had been taken in each of those countries to facil tate the integration of the Roma, while respecting their cultu-al identity.

14. In the Czech Republic, the change in the economic and political regime had resulted in a deterioration in the living conditions of the Roma who had found themselves unemployed because they lacked the skills necessary to meet the needs of the market. Furthermore, they were the victims of age-old prejudice, and their culture seemed to some people irreconcilable with that of the majority. Discriminatory measures, particularly in respect of education, and violent acts against the Romany communities had been brought to the Special Rapporteur's attention.

15. In the face of that situation, the Czech Government had defined a strategy designed to promote integration of the Roma in the education system. At the institutional and legislative levels, measures had also been taken to implement the strategy of integration and to suppress all forms of discrimination.

16. The Special Rapporteur had encouraged the communities to make an effort to draw closer to one another and had invited the Government to stop the segregation of Romany children at school. He had also urged the Government to expedite the adoption of legislation, based on the Model National Legislation for the Guidance of Governments in the Enactment of Further Legislation against Racial Discrimination prepared by the United Nations, to provide for penalties for racial discrimination. Finally, he had encouraged the authorities to plan cultural exchange programmes so as to enable the Roma and the majority population to draw closer to one another.

17. In Romania there was also evidence of prejudice against the Roma. Although there was a Romany elite, who were comfortably off, the majority of that population was extremely poor, socially marginalized and discriminated against and the press often used offensive language when referring to it. The police, who had helped eliminate collective violence against the Roma, sometimes used excessive force in their relations with that population.

18. The Government had drawn up a legislative and institutional framework to integrate the national minorities, including the Roma. It had also launched a major human rights education programme which was directed at government officials and at the general public and which guaranteed the Roma and other minorities education in their own language.

19. The Special Rapporteur had urged the Government to take steps, focusing on the media, to prevent denigration of the Roma, to better associate the Romany communities in decision-making on matters of concern to them and to pursue efforts to change the outlook of government agents.

20. In Hungary also, the change in the economic and political regime had left the Roma with few opportunities because of their lack of qualifications. Added to that was the persistence of prejudice, discrimination, police violence and segregation of Romany children at school.

21. The Hungarian Government had taken steps at the institutional, constitutional and legislative level to protect the rights of minorities and to enable the latter to manage the affairs that concerned them. It had established public foundations to support its action in favour of better integration of minorities and had instituted courses on human rights and gypsy culture in the police academy. Programmes presenting various aspects of gypsy culture were broadcast on the radio and on television.

22. The Special Rapporteur had urged the Hungarian Government to introduce more effective penalties for racist crimes or acts, to adopt legislation patterned on the Model National Legislation prepared by the United Nations, to stop the segregation of gypsy children at school and to intervene with local authorities to promote better integration of the gypsy communities.

23. Concerning earlier missions, it should be pointed out that, as a result of his recommendations, the French Government now had a sizeable legislative arsenal establishing penalties for racism, had overhauled the immigration laws and had eased the granting of entry visas to France to persons from the "South". In addition, the procedure for reviewing the cases of persons detained in holding centres and the conditions for expulsion were more in line with human rights.

24. The United Nations would have to pursue the battle against discrimination by every means at its disposal. The World Conference on Racism, Racial Discrimination, Xenophobia and Related Intolerance should make it possible to define new and more effective strategies.

25. **Ms. Stamatopoulou-Robbins** (Deputy Director, Office of the High Commissioner for Human Rights, New York Office) said that eliminating racism and combating racial discrimination remained one of the challenges for the United Nations system. The 21 State reports which the Committee on the Elimination of Racial Discrimination had considered during the past year, showed that racial discrimination and ethnic divisions persisted, sometimes with alarming and dramatic consequences. The Committee had also considered the situation in a number of States parties under its "prevention procedure" which was aimed at preventing existing problems from escalating or responding to problems requiring immediate attention. In the framework of those procedures it had adopted five substantive decisions regarding Australia, the Democratic Republic of the Congo, Rwanda, Sudan and the Federal Republic of Yugoslavia in respect of Kosovo and two statements regarding the human rights of the Kurdish people and the situation in Africa.

26. Delays in reporting by some States parties created obstacles both to the Committee's monitoring role and to the effective implementation of the Convention in the States concerned. The Committee had therefore continued its practice — first adopted in 1991 — of considering the situation in such countries on the basis of the last report submitted by the State party or, in the absence of any previous report, documents from other United Nations sources. While that procedure was useful it did not purport to be a substitute for the type of in-depth examination which took place when there was a comprehensive, up-to-date report.

27. With regard to the preparations for the World Conference against Racism and Racial Discrimination, Xenophobia and Related Intolerance, the Committee was represented in the Commission on Human Rights working group to review and formulate proposals for the preparations for the Conference; at its fifty-fifth session it had adopted a decision containing suggestions and recommendations for the ongoing work.

28. Since the last session of the General Assembly, four new States had ratified the Convention (Georgia, Indonesia, Lithuania and South Africa); although the Convention was among the most widely ratified international human rights instruments, major efforts were still needed to make it universal and to provide individuals or groups of persons the possibility of submitting complaints under article 14. Currently, that was permitted by only 28 States and the Committee's work in that area remained very limited (only 17 cases had been registered and only 10 final decisions had been taken to date).

29. Turning to the implementation of the Programme of Action for the Third Decade to Combat Racism and Racial Discrimination, she said that the racism project team at the Office of the High Commissioner for Human Rights was coordinating the activities of the Third Decade. The High Commissioner had sought the resources necessary in the context of the proposed programme budget for the biennium 2000-2001, but the contributions by States, international organizations and non-governmental organizations to the Trust Fund for the Programme of Action were not sufficient.

30. The Commission on Human Rights had been designated by the General Assembly to function as the Preparatory Committee for the future World Conference against Racism. Two meetings were planned, one in May 2000 and the other in May 2001. The Conference would be held after the second preparatory meeting and before the fifty-sixth session of the General Assembly. In conformity with General Assembly resolution 52/111, the main

objectives of the World Conference against Racism would be to review the progress made in the fight against racism and xenophobia; ensure respect for existing norms and instruments; sensitize public opinion; formulate recommendations on ways of increasing the effectiveness of the United Nations in that area; review the variety of factors that led to racism and xenophobia; to formulate recommendations on the adoption of additional measures at all levels to combat racism and xenophobia; and formulate recommendations to ensure that the United Nations had the financial resources necessary to combat racism and xenophobia. The Office of the High Commissioner for Human Rights was actively involved in the preparatory process of the Conference, specifically, the first Preparatory Committee meeting. Activities in that regard included a study by the Secretary-General on economic factors contributing to the perpetuation of racism, xenophobia and other forms of discrimination; the preparation by the Office of the High Commissioner of a report on progress made in the fight against racism and racial discrimination; several research projects and studies requested by the Commission on Human Rights; the opening of an Internet site on the Conference; and the organization in Geneva, under the auspices of the High Commissioner, of a seminar on racism, refugees and multi-ethnic States in December 1999, and a regional seminar on procedures for recourse for victims of racist acts and on relevant national practices in late January or early February 2000. The Office had also contacted the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance regarding a study on preventive measures relating to ethnic, religious and xenophobically-motivated conflict, which would be presented at the first session of the Preparatory Committee. It had also entered into consultations with several non-governmental organizations and had prepared public consciousness-raising and information campaigns. The regional preparatory meetings for the World Conference organized at the request of the General Assembly and the High Commissioner for Human Rights were the key elements in the world information campaign to sensitize public opinion and realize the objectives of the World Conference. The Office of the High Commissioner had been represented at the first two preparatory meetings of the European Conference to be held in Strasbourg in the year 2000. Regional meetings would also be held in Africa, Latin America, Asia and Eastern Europe. The themes proposed by the Committee on the Elimination of Racial Discrimination for inclusion in the Conference's agenda included: factors which tended to perpetuate racism (historical, economic, social, cultural, psychological); the impact of economic globalization on the resurgence of manifestations of racism; ethnic conflicts and their prevention; the prevention of racial discrimination through education; recourse mechanisms and reparation of wrongs; international mechanisms for implementing the International Convention on the Elimination of All Forms of Racial Discrimination; steps to suppress speeches inciting hatred and to promote tolerance in the age of the Internet.

31. **Mr. Schalin** (Finland), speaking on behalf of the European Union, said that the Union shared many of the concerns expressed in the report of the Special Rapporteur on the question of the use of mercenaries (A/54/326). The European Union was concerned at the impact of mercenary activities on the duration and nature of armed conflicts and firmly condemned the involvement of mercenaries in terrorist activities. First, he wanted to know whether the Special Rapporteur had been able to update the information concerning Colombia, Costa Rica or El Salvador, or whether the information covered periods prior to the reporting period. Secondly, concerning new forms of mercenary activities, he wondered whether it was companies providing security services that were increasingly undertaking that type of criminal activity, or whether it was mercenaries seeking a kind of legitimacy by claiming to be employees of such companies. The Special Rapporteur should indicate how he saw the situation evolving. Thirdly, he wished to know whether the definition of the term "mercenary" or "mercenary activities" had been raised, and how such a definition would take into account the question of human rights and international human rights law. Lastly, the Special Rapporteur should indicate whether he had noted an encouraging trend since his previous report to the Commission on Human Rights.

32. **Mr. Wenaweser** (Liechtenstein) said he believed that the Special Rapporteur had referred in 1998 to the terrorist attacks in Dar es Salaam and Nairobi. He wondered whether the Special Rapporteur could comment on Security Council resolution 1269 (1999) adopted on 19 October 1999, concerning, *inter alia*, the extradition of persons suspected of acts of terrorism. The Sixth Committee of the General Assembly was expected to adopt by the end of 1999 a convention on the financing of terrorism. That instrument would penalize the financing of certain acts covered by conventions already adopted by the United Nations, which were listed in the annex to the draft. Some delegations had expressed the view that the International Convention against the Recruitment, Use, Financing and Training of Mercenaries should be included in that annex. The view of the Special Rapporteur in that regard would be appreciated.

33. **Mr. Alaei** (Islamic Republic of Iran) welcomed the fact that the Office of the High Commissioner for Human

Rights had taken so many initiatives in order to prepare for the World Conference against Racism. He asked whether the Office would be prepared to provide financial support for the preparatory meetings.

34. **Mr. Bernales-Ballesteros** (Special Rapporteur of the Commission on Human Rights on the question of the use of mercenaries) said that, since the questions he had been asked required detailed answers, he would supplement his oral replies with more detailed written replies.

35. Replying to the question of the delegation of Finland, he noted that he was eager to visit Sierra Leone and had been trying for two years to organize such a visit, because he hoped that the settlement of the situation in that country would make it easier for him to undertake field work. He also hoped to be able to better coordinate his efforts with those of the Special Rapporteur on the situation of human rights in the Democratic Republic of the Congo, so as to be able to schedule a visit to that country, since his mandate required him to visit the African countries that were most affected by mercenary activities. Unfortunately, because of the lack of communications and resources, it was not always possible to schedule many field visits during a given budget year. He hoped, however, that at least two visits could be organized in 2000.

36. The information provided in the reports was always obtained from direct contacts with Governments, field visits or internationally recognized non-governmental organizations.

37. The representative of the European Union had referred to the new phenomenon of companies that sold security services and very often hired mercenaries. Some of those companies might even form fully armed units of up to 500 men. Obviously, such enterprises were quite different from the perfectly legitimate private security companies that had been established in many locations and whose activities were subject to police regulations governing the types of arms they used and the services they could provide. There were also companies that offered advisory and training services in the military field whose legitimacy could not be questioned, since they operated within the normal framework of the generally recognized security principles of each country. There was mercenary activity when companies of that type took advantage of the weaknesses of States affected by armed conflicts to offer their services and intervene directly in such conflicts. In the case of Sierra Leone, a serious mistake had been made when the Military Observer Group of the Economic Community of West African States (ECOMOG) had not been allowed to intervene more directly and private enterprises had been left to establish armed units and secure shares in the country's rich mineral resources. A distinction should be drawn between national interests for which the State was responsible, and the interests of a private company which took advantage of the situation in a specific country in order to reap the greatest possible benefits.

38. Such enterprises prospered because they took advantage of legal loopholes. A total prohibition would penalize legitimate enterprises and was therefore undesirable. On the other hand, the functioning of that sort of company had to be regulated. There was a complementary need to strengthen the regional and international mechanisms for peace, particularly in order to render as much assistance as possible to States weakened by armed conflict in order to prevent their being tempted by false solutions and resorting to the use of private security companies that recruited mercenaries. Finally, it was possible for mercenaries to attempt to legitimize their presence in a conflict by means of such companies, which guaranteed them a relatively stable income.

39. With regard to formulating a definition of the concept of a mercenary, the Special Rapporteur had had a number of opportunities since his appointment to emphasize that the conceptual loophole in international law in that area made his task particularly difficult. The definition contained in the Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I), was totally inadequate. States could first accede to the International Convention against the Recruitment, Use, Financing and Training of Mercenaries, and ratify that instrument. Many States had raised objections in that regard, particularly with respect to the first article, whose provisions appeared merely to repeat those of article 47 of the Protocol Additional, but which contained much more explicit provisions. For example, in condemning all types of recruiting and financing activities, it extended responsibility for mercenary acts to third parties, which was sufficient in itself to dissuade companies tempted to recruit mercenaries from doing so. Adopted 10 years previously, that Convention had only been ratified by 19 States. It needed three more ratifications in order to enter into force. The second alternative would be to call a meeting of experts, who would conduct a thorough study of the mercenary phenomenon and propose concrete measures to limit the temptation to resort to the use of mercenaries. A General Assembly recommendation along those lines had not always been applied. Many Governments were beginning to recognize the question's importance, especially from the point of view of human rights, which had been the case at the time of the Special Rapporteur's visit

to the United Kingdom of Great Britain and Northern Ireland. Senior British officials had acknowledged the need to formulate more effective international instruments in order to end mercenary activities.

40. With regard to the resolution recently adopted by the Security Council, the Special Rapporteur said that he needed more information before he could reply to the question that had been posed by the representative of Liechtenstein. Concerning the draft convention on the financing of terrorism envisaged by the Sixth Committee and the question of whether the Convention against Mercenaries should be included in its annex, he said that the latter Convention should first enter into force, as it seemed unwise to include in the annex to the proposed convention a document that had only been approved as a convention by the General Assembly. Moreover, there were close links between terrorism and mercenary activities, and it was not uncommon that terrorist acts were committed by mercenaries. If terrorism were to be condemned, its financing should also be condemned, and one could be led to conclude, by researching the sources of financing, that a terrorist act had been committed by a mercenary. The two conventions were thus mutually indispensable, and complemented each other in ensuring better protection for human rights in the world.

41. **Ms. Stamatopoulou-Robbins** (New York Office of the United Nations High Commissioner for Human Rights), responding to the representative of the Islamic Republic of Iran, said that in its resolution 52/111, the General Assembly had cited the financial implications of the World Conference. Nevertheless, the resources provided at the time covered only the expenses relating to two meetings of the preparatory committee in 2000 and 2001, the three-day ministerial meeting that would precede the Conference, and the holding of the Conference itself. The activities based on resolutions adopted subsequently had thus not been taken into account. Contributions to the voluntary fund were insufficient to cover all expenses. The Office of the High Commissioner hoped to provide technical assistance in the form of documents and expert services to the regional conferences, which constituted a central element in the preparatory process. However, more voluntary contributions would be needed in order to provide them with solid support. In that regard, the Office of the High Commissioner had drawn up a detailed activities plan indicating the resources needed. A small secretariat had been set up thanks to a contribution from the Ford Foundation. Other foundations had also expressed a desire to participate in the process. The High Commissioner was closely following the question and would inform delegations as soon as resources became available.

42. **Mr. Theuermann** (Austria) said that he regretted the absence of the Special Rapporteur of the Commission on Human Rights on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, whom he would have requested to clarify certain statements regarding Austria contained in his report (A/54/347). Austria was a stable democracy where social peace reigned and which had welcomed and integrated many foreign population groups, including Balkan refugees. The Austrian delegation was particularly interested in the report's emphasis on the question of the Roma and was of the view that a connection should be made with the work done on that question within the framework of the Organization for Security and Cooperation in Europe (OSCE).

43. With regard to the recommendations contained in the report (A/54/326) of the Special Rapporteur on the question of the use of mercenaries, he asked the Special Rapporteur what kind of technical assistance services he hoped to receive from the Office of the High Commissioner for Human Rights, and what organs of the United Nations or other bodies currently provided or could provide such assistance.

44. **Mr. Bernales-Ballesteros** (Special Rapporteur of the Commission on Human Rights on the question of the use of mercenaries) said that the advisory assistance in question had been mentioned in a General Assembly resolution. There was a special need to assist countries affected by armed conflicts or emerging from conflict situations to strengthen their security organs (police and army) and ensure sound training aimed at consolidating democracy and respect for human rights, in order to prevent their falling back into situations of insecurity which mercenaries could take advantage of to interfere in their internal affairs. A group of experts could further study the question, as demobilized soldiers were often unemployed and might be tempted by mercenarism. Other bodies that could provide technical assistance included the European Union, the Organization of American States (in the case of Latin America) and the Organization of African Unity (which had drawn up a convention against mercenarism), all of which could play a guiding role in combating the financing of mercenarism.

45. **Mr. Farrar** (United States of America), speaking on agenda item 114, said that while racism had not disappeared in the United States, the fundamental rights of the population were better and better guaranteed. President Clinton's Initiative on Race, issued as an Executive Order on 13 June 1997, had given rise to studies and a constructive dialogue to make the United States of the twenty-first century a diverse and democratic society in which differences were respected and even celebrated.

46. Recognizing the vital importance of international action to end racism, the Government of the United States supported the activities of the Third Decade to Combat Racism and Racial Discrimination and efforts to encourage legal reforms that played an essential role in eliminating racially discriminatory practices. The results of United Nations activities in the area of training staff responsible for preparing national legislation to combat racism and racial discrimination had been encouraging. Given the worldwide nature of racism, the United States encouraged the Special Rapporteur to make a special effort to investigate all regions of the world.

47. To eradicate racism and xenophobia, countries must continue their national efforts, supporting each other and sharing information. The United States delegation would work with the Secretary-General, the Office of the High Commissioner and others to develop a well-balanced agenda for the World Conference against Racism to be held in 2001. It preferred conferences of the type envisaged to be held in headquarters cities, thereby enabling the United Nations and delegations to realize significant savings. Rather than a finger-pointing exercise, the Conference should highlight best practices so that all could learn from each other.

48. **Mr. Kumalo** (South Africa), speaking on agenda item 114 on behalf of the Southern African Development Community (SADC), paid tribute to the memory of President Nyerere of the United Republic of Tanzania, a founding father of the Community. Southern Africa, which had experienced apartheid, the most brutal institutionalized form of racism and injustice, currently presented to the world a beacon of hope, prosperity and peaceful coexistence. SADC was nevertheless concerned about more subtle forms of racism expressed through messages of hatred on the Internet, and it deplored the rising tide of xenophobia and the existence of discriminatory immigration policies. It therefore supported the recommendations of the Special Rapporteur that preparations for the World Conference against Racism and Racial Discrimination, Xenophobia and Related Intolerance should include research activities and consultations on the use of the Internet to combat racial hatred and to prepare a programme of human rights education in order to promote a culture of peace and non-violence. His delegation joined the Special Rapporteur in congratulating Governments which had already taken administrative and legislative measures to prosecute acts of racism, racial discrimination and xenophobia and Governments which were addressing those problems through appropriate educational programmes in schools and vocational training institutions and through the mass media.

49. SADC would like the High Commissioner for Human Rights to explore further the question whether globalization had increased the incidence of racism or caused a resurgence of the phenomenon of racism as a whole.

50. SADC would like the World Conference against Racism to consider the political, social, historical, economic and cultural basis of racism in order to be able to design a multi-pronged programme of action. It therefore emphasized the importance of the participation in and contribution to the preparatory process of all the major actors. Adequate resources should be provided in a timely fashion to ensure maximum participation, an international publicity campaign should be launched forthwith and national or regional structures should be established to alert the public to the importance of the World Conference and the subject it dealt with.

51. South Africa had offered to host the World Conference in 2001, provided that the United Nations was prepared to shoulder the material and financial burden.

52. **Mr. Schalin** (Finland), speaking on behalf of the European Union, the central and eastern European countries associated with the European Union, Cyprus, Malta and Iceland, said that a comprehensive approach to racism was required since all forms of racial discrimination stemmed from the same root, had the same characteristics and were equally unjustified. Intolerance laid the foundation for conflict and violence. The rights of persons belonging to minorities (especially minority women, who were doubly marginalized) had to be respected and protected and such persons should be guaranteed effective participation in the decision-making that affected them. It was also important to safeguard economic, social and cultural rights on an equal basis for all, thereby promoting tolerance, equality, social cohesion and stability. The European Union was committed to fighting racism and racial discrimination both through the national policies of its 15 member States and through the concerted action of the Union. It had adopted concrete measures to fight discrimination practised against vulnerable groups (migrants, refugees and minorities). The entry into force of the Amsterdam Treaty in May 1999 had strengthened the position of human rights in the European Union, which was continuing to develop a legal framework for non-discrimination and to support the action of non-governmental organizations (NGOs) through assistance programmes. When a country applied for admission, the European Union reviewed measures which could help to counter racism within that country's borders. The Union Monitoring Centre on Racism and Xenophobia had established a network of information on racism, which could be used by NGOs and academic experts. It also encouraged

the organization of round-table seminars to step up the dialogue among different groups.

53. Aware that racism persisted in Europe, the European Union appreciated the work being done by regional organizations such as the Council of Europe and the Organization for Security and Cooperation in Europe. It underlined the importance of coordination between all actors in that field. The conventions prepared by the Council of Europe and their mechanisms, most notably the European Convention on Human Rights, provided a solid legal framework. The Council of Europe had recently established the post of Commissioner for Human Rights. Another important development had been the entry into force in 1998 of the Framework Convention for the Protection of National Minorities and the European Charter for Regional or Minority Languages. The European Commission against Racism and Intolerance examined the legislation, policies and other measures of member States and formulated recommendations. The European Union underlined the importance of ensuring full respect for the human rights of the Roma population and the full participation of the Roma in policies and programmes affecting them.

54. The commitment of the Organization for Security and Cooperation in Europe (OSCE) to counter racism was well reflected in the Copenhagen Document (1990), which highlighted the rights of national minorities, and by the efforts of the Office for Democratic Institutions and Human Rights, the High Commissioner on National Minorities and the Representative on Freedom of the Media, together with the Human Dimension Review Conference convened by OSCE.

55. As racism was worldwide, international instruments, such as the Convention on the Elimination of All Forms of Discrimination, which had 155 States parties, played a crucial role. The European Union urged all States which had not yet ratified the Convention to speed up their efforts to do so as part of their national preparations for the World Conference against Racism. It pledged its support to the Committee on the Elimination of Racial Discrimination, which was doing valuable work by monitoring the implementation of the Convention. In emphasizing the importance of the national reporting process and the individual complaints procedure, it again stressed that the Committee could not perform its work effectively without adequate financial resources. The Committee's efforts to respond to serious violations of the Convention requiring immediate attention and urgent action were of particular interest. The Committee should also be commended on the measures taken to improve its working methods, a reform which the European Union hoped would be pursued.

56. The European Union fully endorsed the aims of the Third Decade to Combat Racism and Racial Discrimination. It reiterated its support for the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance and called on him to pay special attention to conditions in those countries which had not yet acceded to the Convention and to the obstacles preventing them from doing so. It also welcomed the establishment of a racism project team in the Office of the United Nations High Commissioner for Human Rights.

57. The European Union believed that the World Conference against Racism and Racial Discrimination, Xenophobia and Related Intolerance would become a strong mobilizing factor in the global struggle against those problems. In Europe, the Council of Europe was in charge of the preparations for the Conference, in which the European Union of course intended to take an active part. The process would culminate in October 2000 in a European conference in Strasbourg under the title "All Different, All Equal: From Principle to Practice".

58. Non-governmental organizations were doing essential work in sensitizing national public opinion; they would also have an important role to play in disseminating the conclusions of the Conference and promoting follow-up. That meant that they themselves must participate in the Conference and in its preparatory and follow-up phases.

59. The European Union welcomed the additional voluntary contributions made available to the United Nations High Commissioner for Human Rights as Secretary-General of the Conference, and encouraged States to consider providing further funding.

60. It was not enough for Governments to refrain from racist or discriminatory practices; they also had an obligation to take action to eliminate racial discrimination through various legal and administrative measures, but also and above all through education and awareness-raising.

61. With regard to agenda item 115, the right to self-determination was well established internationally because it figured prominently in the Charter of the United Nations and in the International Covenants on human rights and the Vienna Declaration and Programme of Action. It was essential that everyone, including minorities and indigenous peoples, could fully participate in public life. The European Union urged States to strengthen democratic institutions, democratic governance and democratic electoral systems. Through technical assistance and advisory services, the international community and civil society could play an important role in supporting those efforts. Holding free elections by secret ballot and universal suffrage was one of

the preconditions for the implementation of the right of peoples to self-determination. It was imperative that the results of elections should be respected and that elected representatives be allowed to perform their duties freely. The European Union welcomed all attempts to obtain electoral assistance from the United Nations and other organizations.

62. **Mr. Ka** (Senegal), speaking on agenda item 115, said that in order to deal with the new forms of racism and discrimination, a symptom of the fragility of civilization, people must come together to reflect on how to build an open and tolerant society for all ages, all traditions, all cultures and all religions. From that point of view, his delegation deplored the scant interest in the Third Decade to Combat Racism and Racial Discrimination and the small number of activities organized during the period 1994-1998. Like the High Commissioner for Human Rights, Senegal believed that sufficient resources must be allocated to the Decade to ensure the coordination of scheduled activities. Similarly, the financial situation of the Trust Fund for the Programme of Action for the Third Decade had to be improved.

63. The report of the Working Group of the Commission on Human Rights (E/CN.4/1999/16 and Corr.1-2), whose remarkable work Senegal appreciated, would serve as a basis for considering substantive and procedural questions involving the World Conference to be held in 2001.

64. If it was not to be exclusionary, the World Conference against Racism must be open to all intergovernmental and non-governmental organizations and other actors in civil society. Serious emphasis must be placed on education and consciousness-raising, on the use of modern communications technologies, especially the Internet, in order to mobilize national and international public opinion in support of the objectives of the Conference; and due attention must also be given to the question of adequate funding for the Conference, a condition for its success. The agenda of the World Conference should include in particular items on the international machinery for implementing the International Convention on the Elimination of All Forms of Racial Discrimination, and on the progressive development of racial discrimination, the historical, economic, social, cultural and psychological factors that helped perpetuate racism throughout the world, the treatment of migrants, refugees, asylum-seekers and the disabled, ethnic conflicts and the prevention of racial discrimination through education and training, the available remedies and the mechanisms for reparation or compensation in cases of racial discrimination, the promotion of a culture of tolerance and a fruitful dialogue among civilizations and religions, and the information technology revolution and its use for non-racialist purposes. His delegation would return to those various points during the meetings of the Preparatory Committee during 2000 and 2001.

65. Senegal formally supported the offer made by South Africa to host the World Conference in 2001, because to convene it in that part of the world would have a symbolic value.

66. **Mr. Amorós Núñez** (Cuba), referring to agenda item 114, said that racism was manifesting itself in new and more disquieting and insidious forms, especially in the developed world. Intolerance and discrimination against immigrants were compounding discrimination against racial and ethnic minorities. Immigrants were victims of verbal and physical violence on the part of extreme right-wing militant movements but also of institutional racism on the part of increasingly repressive police forces. In some countries, they, like their children, were denied health care and basic education.

67. In his report on contemporary forms of racism, racial discrimination, xenophobia and related intolerance (A/54/347), the Special Rapporteur noted a troubling increase in such manifestations in most of the industrialized countries. Political parties founded on racial exclusion were gaining ground and were putting themselves forward as serious candidates for public office, taking advantage of the fear and despair caused by globalization, the identity crisis and social exclusion. The Internet was being used to incite racism. The elaboration of a code of conduct for Internet users and providers could therefore no longer be put off, especially since the Committee on the Elimination of Racial Discrimination had stated in its general recommendation XV that it was legitimate to prohibit the dissemination of ideas founded on racial superiority or hatred.

68. It was therefore inconceivable, given the situation, that the Special Rapporteur had not had the human and financial resources he needed for his efforts to combat those scourges, and that some States had not cooperated with him. Funds for his work should be provided from the regular budget, not only because of the importance of the question but also in view of the reticence of donors, who were attracted by other issues even though they were less important. Cuba believed that the World Conference in 2001 should aim to formulate measures to intensify the struggle against racial discrimination and exclusion the world over. It supported South Africa's offer to host the Conference, and would take an active part in the preparatory work in order to ensure its success.

69. **Ms. Martinez** (Ecuador) said that she welcomed the work carried out by the Committee on the Elimination of Racial Discrimination, especially its efforts on behalf of the

World Conference against Racism, Racial Intolerance, Xenophobia and Related Intolerance. The Ecuadorian delegation took note of the aptness of the recommendations and decisions adopted by the Working Group.

70. Ecuador had ratified the International Convention on the Elimination of All Forms of Racial Discrimination in 1965 and the International Convention on the Suppression and Punishment of the Crime of Apartheid in 1973, and had signed various other international conventions guaranteeing the rights of racial and ethnic groups. Its Constitution recognized the multicultural nature of Ecuadorean society, and the Government was committed to preserving and promoting the cultural legacy of the diverse ethnic groups as well as to implementing laws and regulations adopted with a view to ensuring the rights of all citizens.

71. The holding of the World Conference in 2001 had special importance since it would be the occasion for carrying out intentions announced at the United Nations. Everyone should fight for a world where the exercise of human rights was not a privilege enjoyed by some to the detriment of others. In that regard, the Ecuadorean delegation welcomed the efforts of the open-ended Working Group to draw up a list of topics that the Conference might address. She also welcomed the contributions to the fund set up to defray certain expenses related to the World Conference and requested those who could to contribute to that fund without at the same time reducing their contribution to the Trust Fund for the Programme of Action for the Third Decade to Combat Racism and Racial Discrimination.

72. **Ms. Boyko** (Ukraine), referring to item 114, said that in order to stem all contemporary forms of racism, racial discrimination and intolerance, priority must be given to such preventive measures as early warning procedures, as the Secretary-General pointed out in his report (A/54/299). Early warning procedures should be set up to prevent conflicts resulting from racial and ethnic tensions, and new approaches must be devised to combat new forms of discrimination. The Commission on Human Rights could play a crucial role in that regard by studying the information supplied and formulating recommendations. With regard to preparations for the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, the Ukrainian delegation supported the idea of creating an Internet site in order to inform the public.

73. No country in the world was safe from manifestations of racism and intolerance, and all bore the responsibility to fight against those phenomena through national legislation and education. The International Convention on the Elimination of All Forms of Racial Discrimination remained a good basis for international cooperation. Ukraine appreciated the work and role of the Committee on the Elimination of Racial Discrimination; and believed that States parties should fulfil their obligations and take the measures recommended by that Committee.

74. Ukraine had established a system of legal guarantees explicitly prohibiting racism and racial discrimination and accorded special importance to the rights of national minorities, which made up one fourth of the country's population and which were protected by a sound set of laws.

75. Turning to item 115, she said that Ukraine regarded the right of peoples to self-determination as an inalienable right of all nations. The realization of that right should nevertheless be based on the fundamental principles and norms of international law and, above all, on the Charter of the United Nations and the Helsinki Final Act, while at the same time taking into consideration national legislation, objective internal and external factors, and the historical context. In that regard, it was necessary to draw a clear distinction between the perception of the right to self-determination held by peoples that had been subjected to colonial domination or occupied by foreign powers and that held by national minorities living in the territories of modern States as a result of natural historical processes. Discussions of that issue in recent years at the United Nations had demonstrated the need to redefine the concept of self-determination. The Declaration on the Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations stressed that the principle of self-determination should not be interpreted as authorizing or encouraging any action that might dismember or impair, totally or in part, the territorial integrity or political unity of sovereign and independent States. It should be clearly stated that the principle of self-determination did not automatically mean the right to territorial secession. A distinction must also be made between the right to territorial secession and territorial separatism. It would be useful to agree on a universal concept of the principle of self-determination that would ensure a fair and flexible solution to possible conflicts of interest with a view to preventing confrontation in inter-ethnic and inter-State relations. Ukraine was ready to join efforts to elaborate a comprehensive procedure for the prevention and settlement of conflicts that might arise in relation to the realization of the right of peoples to self-determination.

76. With reference to the report of the Special Rapporteur on the use of mercenaries (A/54/326), Ukraine, as a State party to the International Convention against the

Recruitment, Use, Financing and Training of Mercenaries, shared the concern expressed therein regarding the persistence of that phenomenon in many regions of the world. Ukraine was disappointed that paragraph 44 of the report mentioned the presence in Angola of Ukrainian mercenaries. It had repeatedly requested proof of the citizenship of those mercenaries, and in the absence of such proof rejected those allegations as groundless. Furthermore, it urged United Nations special rapporteurs to refrain from disseminating unconfirmed information.

77. **Mr. Gotienne** (Congo), referring to the matter of armed bands, mercenaries and petroleum in the Congo, said that the report of the Special Rapporteur on the question of the use of mercenaries contained many false allegations and inaccuracies.

78. The report misleadingly referred to the contingent of Angolan soldiers as mercenaries, whereas in fact that contingent was in the Congo within the framework of the implementation of bilateral agreements. The presence of French and Chadian troops was attributable to the need to restructure the Congolese army. However, the report made no mention of activities that mercenaries from the União Nacional para a Independência Total de Angola (UNITA) and from Eastern European countries were conducting in the Congo, although Security Council records could have been consulted in that regard.

79. Petroleum, exploited alternately by French, Italian, Canadian and United States companies, had not become an "explosive" commodity until the former President, Mr. Lissouba, had foisted the Occidental Petroleum Company on that strategic industry.

80. Armed militias had first appeared in 1965 and 1966, when Mr. Lissouba was Prime Minister, and then again in 1993, when he had become President of the Republic. Those militias had ravaged the Congo, destroying the infrastructure and using the population as human shields. UNICEF documents and testimony gathered by international officials on the violence committed by those militias were revealing. Presenting those militias as heroic, as the Special Rapporteur had done, was surely due more to ignorance of the facts than collusion.

81. It was untrue to state that the Congo was still engaged in fighting. Suffice it to say that, on the United Nations security scale, which had five levels, the security level at Pointe-Noire had been reduced to two, and at Brazzaville to three. The Congo was even once again organizing international events such as a Pan-African Music Festival, which had been held there on 8 August 1999. As the country was beginning a process of recovery, the Government was preparing to resume its dialogue with the opposition, a major condition for setting up the post-conflict programme, which the Congo had undertaken with the Bretton Woods institutions.

82. The tragedy of the Congolese should be considered objectively, so that real cooperation could begin between international organizations and the Congo.

The meeting rose at 1 p.m.

United Nations A/C.3/54/SR.20

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Summary record of the 20th meeting
Held at Headquarters, New York, on Thursday, 21 October 1999, at 3 p.m.

Chairman: Mr. Galuška ..... (Czech Republic)

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* Items which the Committee has decided to consider together.

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The meeting was called to order at 3.10 p.m.

Agenda item 106: Social development, including questions relating to the world social situation and to youth, ageing, disabled persons and the family (*continued*) (A/C.3/54/L.10)

Draft resolution A/C.3/54/L.10 on a United Nations literacy decade

1. **The Chairman** said that draft resolution A/C.3/54/L.10 had no programme budget implications.

2. **Ms. Otgontsetseg** (Mongolia) said that the following countries had become sponsors: Algeria, Belgium, Bhutan, Cameroon, Denmark, the Dominican Republic, Ethiopia, France, Germany, Greece, Guinea, Indonesia, Ireland, Kyrgyzstan, Jamaica, Japan, the Netherlands, Nigeria, Panama, Portugal, San Marino, Tajikistan, and Viet Nam.

3. A number of revisions had been made to the draft resolution. In the last preambular paragraph, the word "and" in the first line had been changed to "as well as". In paragraph 7, the word "and" after the word "intergovernmental" in the second line had been replaced by "as well as"; the phrase "as well as" in the fifth line had been changed to "and"; and in the seventh line, the words "special sessions" had been deleted and the word "review" had been pluralized.

4. Paragraph 9 had been revised to read: "*Requests* the Secretary-General, in cooperation with the Director-General of UNESCO and Member States, and other relevant organizations and bodies to submit, through the Economic and Social Council, a proposal for a United Nations literacy decade with a draft plan of action and possible timeframe for such a decade, on the basis of the outcomes of the World Education Forum and the Copenhagen plus-five review special session, to the General Assembly at its fifty-fifth session;". In paragraph 10 the word "and" after the word "intergovernmental" in the second line had also been replaced by "as well as". Lastly, in paragraph 11, the word "fifty-fifth" had been changed to "fifty-sixth".

5. **The Chairman** said that Benin, Cape Verde, Colombia, the Congo, Côte d'Ivoire, Croatia, Cyprus, Equatorial Guinea, Eritrea, Finland, Guatemala, Guinea, Iceland, Norway, Sierra Leone, Spain, Uganda, the United Republic of Tanzania and Zimbabwe also wished to sponsor the draft resolution.

Draft resolution A/C.3/54/L.10, as orally revised, was adopted.

Agenda item 107: Crime prevention and criminal justice (*continued*) (A/C.3/54/L.3, L.5 and L.6)

Draft resolution A/C.3/54/L.3 on the Tenth United Nations Congress on the Prevention of Crime and the Treatment of Offenders

6. **The Chairman** said that draft resolution A/C.3/54/L.3, which had been recommended by the Economic and Social Council for adoption, had no programme budget implications.

Draft resolution A/C.3/54/L.3 was adopted.

Draft resolution A/C.3/54/L.5 on the activities of the Ad Hoc Committee on the Elaboration of a Convention against Transnational Organized Crime

7. **The Chairman** said that draft resolution A/C.3/54/L.5, which had also been recommended by the Economic and Social Council for adoption, had no programme budget implications.

Draft resolution A/C.3/54/L.5 was adopted.

Draft resolution A/C.3/54/L.6 on action against corruption

8. **The Chairman** said that draft resolution A/C.3/54/L.6 had no programme budget implications and had been recommended by the Economic and Social Council for adoption.

Draft resolution A/C.3/54/L.6 was adopted.

Agenda item 109: Advancement of women (*continued*) (A/C.3/54/L.13 and L.17/Rev.1)

Draft resolution A/C.3/54/L.13 on traditional or customary practices affecting the health of women and girls

9. **The Chairman** said that draft resolution A/C.3/54/L.13 had no programme budget implications.

10. **Ms. Tahzib-Lie** (Netherlands) said that Azerbaijan, Ghana, Grenada, Guatemala, Guinea-Bissau, Jamaica, Mali, Malta, Mauritania, the Philippines and Turkey had also become sponsors of the draft resolution, bringing the total number to 112. The text had been revised in two places. At the start of the fifth preambular paragraph, the words "*Reaffirming also*" had been changed to "*Bearing in mind*"; and at the beginning of paragraph 3 (d), the word "develop," had been inserted after the word "To".

11. **The Chairman** said that Cameroon, Congo, Guyana, Malawi, Saint Vincent and the Grenadines and the United Republic of Tanzania also wished to sponsor the draft resolution.

Draft resolution A/C.3/54/L.13, as orally revised, was adopted.

Draft resolution A/C.3/54/L.17/Rev.1 on the Convention on the Elimination of All Forms of Discrimination against Women

12. **The Chairman** informed the Committee that draft resolution A/C.3/54/L.17/Rev.1 had no programme budget implications.

13. **Ms. Eckey** (Norway) said that Barbados, Benin, the Dominican Republic, Georgia, Grenada, Japan, Latvia, Madagascar, Malaysia, Panama, Poland, the Republic of Korea and the Republic of Moldova had become sponsors. In paragraph 14, the word "entities" had been changed to "parts,"and that the last phrase of paragraph 15 had been revised to read: "their submission of reports."

14. **The Chairman** said that Armenia, Bulgaria, Burkina Faso, Cameroon, the Congo, Equatorial Guinea, Guinea, Guyana, Haiti, Kenya, Liberia, Malawi, Myanmar, Nicaragua, Nigeria, Paraguay, the Philippines, Saint Vincent and the Grenadines, Uganda, Ukraine, Zambia and Zimbabwe also wished to sponsor the draft resolution.

Draft resolution A/C.3/54/L.17/Rev.1, as orally revised, was adopted.

Agenda item 114: Elimination of racism and racial discrimination (*continued*) (A/54/18, 98, 299 and 347)

Agenda item 115: Right of peoples to self-determination (*continued*) (A/54/98, A/54/118-S/1999/633, A/54/299 and 327)

15. **Mr. Lawrence** (Jamaica), speaking on agenda item 114, said that racism had been at the heart of some of the most heinous crimes against humanity and that differences between peoples had been invoked to justify horrible and brutal acts. At the core of racism was the ignorant, fearful belief that those who were different were less deserving of respect, basic freedoms and sometimes even life itself. The success that the United Nations would achieve in the fight against racism depended on the ability of Member States to understand and appreciate diversity in others.

16. Equality among States, and, by extension, equality among peoples, was a fundamental principle of the United Nations; and the Organization had always worked to promote understanding, tolerance, and human rights for all. Ethnic and racial conflicts could be resolved only by a holistic approach that sought to promote not only economic opportunities but also justice, good governance and human rights.

17. In view of the need for a framework for equitable development, Jamaica had been surprised and disappointed to learn from the report of the Secretary-General in document A/54/299 of the continuing lack of interest in the Third Decade to Combat Racism and Racial Discrimination and, in particular, lack of support for the related Programme of Action. Moreover, the report of the Economic and Social Council for 1999 showed that no proposal had been submitted for consideration under the corresponding agenda item. His delegation was baffled. Was it preferable to keep groups segregated so as to avoid that complex issue altogether? Isolation and xenophobia, it should be remembered, were precursors to racism. Whatever the reason, the existence of the problem must be acknowledged before a solution could be found.

18. Jamaica therefore supported the decision to convene the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance in 2001, took note of the recommendation that it should define and debate the economic, historical, cultural and psychological factors that perpetuated racism, welcomed South Africa's conditional offer to host the Conference, and urged the United Nations and Member States to provide the necessary resources.

19. The increasing use of the Internet to propagate the views of racist organizations was disturbing. Efforts should be made to fight that new, insidious manifestation of racism through the same medium; and the communications industry should share some of the responsibility for its misuse. Millions of persons formed their images of other national and ethnic groups solely from those sources. The opportunity to use the Internet to portray national or ethnic groups in a favourable light presented exciting possibilities. Jamaica would assist the United Nations to ensure that the fight against racism was won.

20. **Mr. Erdös** (Hungary) said that his delegation associated itself with the statement made by the European Union on the elimination of racism and racial discrimination and the right to self-determination. Hungary, having experienced firsthand the violence, devastation and suffering caused by intolerance, aggressive nationalism, ethnocentricity and unscrupulous demagoguery during the twentieth century, well understood the importance of the fight against all forms of discrimination. The set of measures designed to combat racism in countries seeking admission to the European Union was a catalyst for change and reform in those countries and a strong positive aspect of the integration process underway in Europe.

21. The situation of the Roma was a problem in Eastern Europe. In Hungary, there were nearly 500,000 Roma in a population of about 10 million persons. The prejudices and tensions, and the occasional atrocities committed against such persons posed grave political dilemmas. The danger was real, since extremist political forces were increasingly tempted to use the Roma as scapegoats for all of the country's ills. With the sweeping changes that had taken place in Hungary's political and economic structures, two thirds of the Roma population had lost their jobs, as compared to only one tenth of the non-Roma population. Thirty to 40 per cent of the Hungarians who could no longer secure their daily subsistence were Roma, putting them at risk of long-term marginalization. In addition, segregation in districts and schools centres endangered the chances for cooperation between the next generation of Roma and the rest of Hungarian society.

22. The Government of Hungary was fully aware that the situation of the Roma was a challenge to the economic and social development of the country. Their social integration could not, however, be quickly achieved. In May 1999, the Government had adopted a set of medium-term measures, accompanied by annual action plans. An interministerial committee for Roma affairs had been established to coordinate the relevant work of the various ministries. In addition, a long-term governmental strategy designed to improve the conditions of life and the social status of the Romas was scheduled to be finalized by 15 September 2000. Many experts, researchers and members of the Roma population were helping to draw up that strategy, which was being monitored by an expert from the Council of Europe.

23. The Roma autonomous administrative office worked closely with the Government in its effort to find solutions to problems in that area, and the Bureau for Ethnic and National Minorities, a governmental department, maintained regular contacts with Roma social organizations. It had created two new consultative committees, the Council on Roma Art and Culture and the Roma Civic Forum, both composed of members of the Hungarian Roma community. The Roma National Center for Information and Culture and public foundations also played an important role. As a consequence of those measures, members of the Roma community were now more active in the management of public affairs, as shown by recent local elections and the growing number of local Roma autonomous administrative bodies.

24. In the view of Hungary, the question of the Roma should, like all other questions related to the situation of minorities, be addressed from a global perspective, with attention to regional considerations. In that context, regional organizations like the Council of Europe, the Organisation for Economic Cooperation and Development (OECD) and the European Union had an important role to play. The Europe of tomorrow should be a continent of shared values and aspirations with ethnic, religious, linguistic and cultural diversity.

25. Hungary was looking forward to the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance and had welcomed the recent visit of the Special Rapporteur of the Commission on Human Rights, who had conferred with the Government and with non-governmental organizations on measures that could be taken to better protect the Roma minority. It would study his report with care and would implement his recommendations. Hungary wished to assure the Special Rapporteur of its willingness to work towards the gradual integration of that vulnerable group. To achieve that end, extensive collaboration would be necessary between the authorities and the general public, both Roma and non-Roma. There was no doubt that the long-term work to be undertaken would contribute to the universal fight against all forms of intolerance.

The meeting rose at 3.50 p.m.

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Chairman: Mr. Galuška ..... (Czech Republic)

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99-81818 (E)

The meeting was called to order at 10.15 a.m.

Agenda item 114: Elimination of racism and racial discrimination (*continued*) (A/54/18, A/54/98, A/54/299 and A/54/347)

Agenda item 115: Right of peoples to self-determination (*continued*) (A/54/98, A/54/118-S/1999/633, A/54/326 and A/54/327)

1. **Mr. Tatsis** (Greece) said that today's youth commonly believed that the various human rights instruments were inadequate or were not properly enforced and thus did not help the victims of discrimination. The protection and promotion of human rights called for the participation of society as a whole and of every individual.

2. During the past 10 years his Government had implemented various policies to combat xenophobia, intolerance and racism, most of them involving the participation of young people. A National Committee for the Protection of Human Rights and a non-governmental forum entitled "All Different, All Equal" were examples of bodies which had been established.

3. The National Youth Council in Greece believed that it was its duty to further those policies. In the contemporary world individuals from different cultural, national and religious backgrounds lived side by side. Greece was situated in a region in which efforts to settle the crisis encountered racism, discrimination, xenophobia and intolerance, further highlighting the lack of mutual understanding. Eliminating racism and combating discrimination, which frequently led to armed conflicts and endangered international peace and security, must be a priority. On the eve of a new millennium, everyone had a duty to help create a more human world, based on principles of freedom, democracy, peace, tolerance and solidarity.

4. To bring about harmony in society, young people must strive for a common goal in an understanding environment. Greece wanted a south-eastern Europe in which tolerance, democracy, peace, solidarity and mutual understanding prevailed, in which a new generation could strive together, and in which each individual felt personally responsible for the protection and promotion of human rights. Accordingly, it had been decided to establish a South-Eastern European Youth Forum which would provide the framework for exchanging ideas on youth matters, promoting common solutions to common problems and organizing events, campaigns and exchanges in the spirit of the slogan "All Different, All Equal".

5. The National Youth Council firmly believed that non-governmental organizations had a role to play in constructing a new world and expressed the hope that the United Nations would consider favourably the establishment of the South-Eastern European Youth Forum.

6. **Mr. Fritsche** (Liechtenstein) said that self-determination, which was included among the principles of the Charter of the United Nations and further elaborated upon in common article 1 of the International Covenants of 1966, had indubitably played an important part in the history of the United Nations. While there was agreement on its importance, however, there was a strong difference of views as to its current relevance; some viewed self-determination exclusively in the context of decolonization and regarded it as an achievement of the past; others, including her Government, were convinced that the principle of self-determination and its application were of continuing, if not increased, relevance to the work of the United Nations.

7. The two major challenges facing the United Nations in Kosovo and East Timor demonstrated that the question of the right of self-determination was not entirely settled. In that regard, she would like to make two points: first, the right of self-determination could not be exercised through one isolated and single act but had to be the result of a sustained process; second, self-determination could take several different forms, of which independent statehood was only one.

8. Obviously, it was the second element which had given rise to controversy, for the equation of self-determination with independent statehood had no legal basis. The Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations (1970) made it quite clear that there were other ways to exercise the right of self-determination which were largely unexplored.

9. Over the years, her delegation had introduced its ideas on the right of self-determination and had tried to explain its initiative, which in summary was the following: exercise of the right of self-determination could take the form of a dialogue between the central government and a community living in the State concerned; that dialogue would be based on the recognition that the community had the right to self-determination, which should be exercised through levels of self-administration or self-government. Thanks to that proactive approach, internal tensions could be settled peacefully before they engendered violence or, worse, armed conflict. The majority of internal armed conflicts were the result of tensions between central governments and communities whose legitimate interests had not been

recognized. The initiative on self-determination was intended to address such situations before irreversible damage was done, which was generally when a community asserted independent statehood.

10. She was happy to be able to say that her country's initiative, which was based on international law and aimed at ensuring the full exercise of the right of self-determination for the benefit of the international community as a whole, was in harmony with a general tendency prevailing at the United Nations and elsewhere. Given the magnitude of certain crises and the human and economic toll exacted by them, prevention was surely the approach which the international community should adopt. In spite of considerable hesitation and reluctance, the idea of a culture of prevention advanced by the Secretary-General had given rise to strong political enthusiasm. Her delegation wished to contribute to that momentum with its own initiative on self-determination. The development of a culture of prevention and of other concepts, such as human security, required a long-term concerted effort from many players. Her delegation therefore welcomed the efforts by the Secretariat to improve coordination of the activities undertaken by various entities of the United Nations system concerned with preventive diplomacy and conflict management.

11. The Liechtenstein research program on self-determination at Princeton University was developing its activities on both the academic and the political levels. It had organized in Liechtenstein a colloquium on peace and the future in south-eastern Europe, a summary of which would shortly be made available to all States Members of the United Nations.

12. **Ms. Li Sangu** (China), after stating that the fight against new forms of racism was the major task on the promotion and protection of human rights, informed the Committee of her delegation's comments with regard to the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, which was to be held in 2001.

13. The international community should accord priority to the question of racism, particularly the new forms in which it appeared and the resurgence of nazism. Her delegation was pleased to note that the Commission on Human Rights had established a working group as a preparatory body for the World Conference and hoped that the parties concerned would reach agreement on the mandate of the Conference and other substantive issues so that the preparatory work could start as soon as possible.

14. The Commission on Human Rights and the relevant United Nations organs should make the preparations for the World Conference one of their main tasks in 2000 and should be provided with the necessary human, material and financial resources.

15. Activities undertaken in connection with the Third Decade to Combat Racism and Racial Discrimination should continue in cooperation with the convening of the World Conference, and the United Nations should continue to support the Committee on the Elimination of Racial Discrimination and other related agencies in their efforts to implement the work of the Third Decade.

16. Efforts should be made to prevent incitement to racism through high-tech instruments. In particular, the Internet should be used as a means of disseminating information and organizing activities against racism and racial discrimination. At the same time, Member States and the United Nations institutions concerned should explore ways of banning the spread of racism through the modern media and formulate measures to that end.

17. The right to self-determination was an important component of human rights and was proclaimed in the Charter of the United Nations and General Assembly resolution 1514 (XV), as well as in the Vienna Declaration and Programme of Action. No country should be able to impose its own ideology or its own social system on others and the right to self-determination should never be used as an excuse for secessionist activities, which had become one of the underlying causes of war and armed conflict.

18. In recent years, the General Assembly and other United Nations organs had been paying increasing attention to the question of the scope of application of the principle of self-determination. Her delegation, like many others, believed that the relevant provisions of the Charter and the international instruments relating to the right to self-determination should be correctly understood and implemented: the right to self-determination should not be construed as authorizing or encouraging actions that might impair the territorial integrity or political unity of sovereign and independent States which complied with the principles of equal rights and self-determination and thus possessed a government representative of the whole people of the territory without any exception.

19. The restoration of the rights of the Palestinian people, including the right to self-determination, and the early settlement of the question of Palestine in a just and reasonable manner was the key to a lasting peace in the Middle East. China had been following the development of the situation closely and had taken note of the recent

progress achieved in the peace process. Her delegation was convinced that the achievement of peace and stability in the Middle East represented the common aspiration of the peoples of the region, was in keeping with their fundamental interests and would be conducive to peace and stability throughout the world. In conclusion, she said that her delegation hoped that all parties concerned would, on the basis of the relevant United Nations resolutions and the agreements that had been concluded and guided by the principle of land for peace, strive to move the peace talks forward in a positive and realistic manner.

20. **Mr. Baali** (Algeria) said that the elimination of racism and racial discrimination remained a serious challenge which the international community must take up as the end of the millennium approached. Although apartheid had been conquered and the enslaved people had regained their liberty and their dignity, racism persisted in new forms of discrimination based on culture, nationality or religion. That "neoracism" was directed against vulnerable social groups such as migrant workers, refugees, ethnic or religious minorities and indigenous populations, who were reproached for being "different"; that "difference", instead of being celebrated as a source of richness and complementarity, became a synonym for rejection and discrimination. The testimony of the Rapporteur on racism was very eloquent and drew attention to the serious consequences of the persistence in certain developed countries of racist acts resulting from the proliferation of racist, Fascist and neo-Nazi groups.

21. Through the new media and the Internet, racism was finding fresh support and new universal tools aimed primarily at children and adolescents. It was important to condemn the existence of universally accessible sites which called openly for hatred of others and to work together on the formulation of a code of conduct for the users and suppliers of Internet services so that the new technology would become an effective teaching instrument in the fight against racist propaganda.

22. The Third Decade to Combat Racism and Racial Discrimination was almost at an end without having achieved its objectives owing to a lack of resources and political will. Algeria, which contributed regularly to the special Trust Fund, urged donors to do the same in order to allow the Programme of Action for the Decade to be implemented. In that context, the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, which was to be held in 2001 in South Africa, would allow the international community to review the progress that had been achieved and the obstacles that remained to be overcome. In that connection, the seven objectives assigned to the World Conference should be carefully studied so that a programme of action could be formulated that would deal with all aspects of the problem. The success of the Conference required the involvement of the whole United Nations system and non-governmental organizations, as well as the universal ratification of the International Convention on the Elimination of All Forms of Racial Discrimination, to which 150 countries had already acceded.

23. Since its creation, the United Nations had kept pace with the changes that had taken place and the number of Member States had more than tripled, thus establishing its universality. The adoption of the Declaration on the Granting of Independence to Colonial Countries and Peoples more than 40 years earlier had helped to speed up the downfall of the last bastions of colonialism. Despite the progress that had been achieved, quite recently in East Timor, the work of decolonization remained incomplete since other peoples still had to exercise their inalienable right to self-determination and freedom. That was the case, in the Middle East, of the Palestinian people which had been dispossessed of its land and national rights. It was to be hoped that the relaunching of the peace process would allow all the countries of the region to live in peace and security once the Israeli forces had been withdrawn from the Golan Heights and Lebanon.

24. That was also the case of the Saharan people, who, after almost a quarter of a century, were demanding their right to self-determination. Thanks to the agreements reached in Houston between Morocco and the POLISARIO Front and the acceptance by the two parties of the proposals put forward by the Secretary-General, particularly the new date for the referendum in July 2000, the time had come to exercise that right. Accordingly, the United Nations remained fully responsible with regard to the Saharan people, as the resolution adopted by the Fourth Committee on 8 October 1999 recalled. The international community and the Security Council should be vigilant more than ever in order to ensure that the settlement plan and implementation agreements were strictly carried out and respected so that the Saharan people could exercise their right.

25. **Ms. de Armas García** (Cuba), speaking on agenda item 115, said that international relations were currently undergoing changes characterized by a disregard for the principles of international law as established by the Charter of the United Nations. In the political sphere, in particular, the great Powers were attempting to impose, through so-called humanitarian interventions, diplomacy based on force, which called into question territorial integrity, the sovereignty of States and the right of peoples of self-

determination: that had been the case, in particular, in Kosovo. It was therefore necessary to restore the primacy of the Charter as the cornerstone of the United Nations to ensure that peace was maintained with respect for the principles enshrined in it. The international community should also firmly reject the repeated attempts that had been made to broaden the concept of self-determination to include individuals, since such a change would have a considerable negative impact on respect for the principles laid down in the Charter.

26. The exercise of the right to self-determination was a prerequisite for the enjoyment of human rights. Cuba reaffirmed once again the inalienable right of the Palestinian people to decide their destiny and demanded the unconditional return of all Arab territories occupied by Israel, including the Syrian Golan and the occupied strip in southern Lebanon. Furthermore, her delegation once again demanded the return of the Guantanamo naval base, the occupation of which by the United States of America constituted a violation of the Cuban people's right to exercise the right to self-determination throughout the territory.

27. For many years, the consideration of the agenda item on the right of peoples to self-determination had involved the drafting of a report on the question of the use of mercenaries as a means of violating human rights and impeding the exercise of the right to self-determination. Cuba fully supported what was stated in the current report (A/54/326) concerning the illegal activities conducted by individuals against their country of origin for a foreign Power and, in that regard, voiced its serious concern over the fact that, although those activities had been denounced many times, the Governments of the States in which mercenaries were trained did nothing to halt those activities or bring them to justice. Cuba denounced the impunity with which many mercenaries acted and reserved the right to halt those acts and protect its citizens, sovereignty and independence.

28. As part of its willingness to cooperate with the United Nations human rights mechanisms and support the work of the Special Rapporteur on the use of mercenaries, her country had invited the Rapporteur to travel to Cuba. His visit had taken place from 12 to 18 September 1999. Cuba reiterated its support for the mandate of the Special Rapporteur and all actions aimed at guaranteeing the full exercise of the right of peoples to self-determination.

29. **Mr. Bhatti** (Pakistan) speaking on agenda item 114, said that it had been necessary, not so long ago, to work long and patiently in order to eliminate institutionalized forms of racism which had given rise to grave injustices. The information contained in the report of the Special Rapporteur on measures to combat contemporary forms of racism, racial discrimination, xenophobia and related intolerance (A/54/347), which indicated that new forms of racism and racial discrimination were on the rise in various societies, should be given immediate attention. In that regard, Pakistan noted that some countries had begun to enact appropriate legislation aimed at preventing hate-mongerers from using the Internet to spread their doctrines and believed that the international community should draw up a code of conduct to control the use of the Internet, with due regard for the principle of freedom of speech.

30. It was also disquieting that in many countries, indigenous populations, ethnic and religious minorities and immigrants were also subjected to racial hatred and discrimination. All those social groups contributed to social and cultural development and should therefore be protected against such phenomena. Furthermore, in certain countries, some people were attempting to establish a causal link between Islam, on the one hand, and fanaticism and terrorism on the other. That "islamophobia" was likely to give rise to hatred against those who practised Islam and should be denounced as fallacious: Islam was a religion of peace and tolerance and avoided extremism. In that connection, Pakistan welcomed the adoption in 1999 by the Commission on Human Rights of a resolution denouncing attempts to defame Islam and make its teachings responsible for the increase in terrorist acts.

31. Of all social groups, young people clearly constituted the one that was most targeted by hate mongerers and extremist groups. For that reason, it was important to educate them and conduct information campaigns to protect them from the influence of those who spread hatred. At the international level, full use must be made of existing instruments for that purpose. The Plan of Action for the Third Decade to Combat Racism and Racial Discrimination should make it possible to combat new forms of racism and racial discrimination, and the Plan of Action for the United Nations Decade for Human Rights Education should be used to mobilize non-governmental organizations to promote values of tolerance, brotherhood, understanding and respect for the diversity of cultures and views, particularly among young people. Along the same lines, the transdisciplinary UNESCO project entitled "Towards a culture of peace" should be supported in order to raise awareness, particularly among the young, about the social costs of racism.

32. The World Conference against Racism and Racial Discrimination in 2001 should once again mobilize the international community with regard to those two topics and

add to the arsenal of instruments and measures that had already been adopted. In that regard, Pakistan welcomed the offer by the Government of South Africa to host the Conference and hoped that the Organization would extend to it all the necessary financial assistance. It also welcomed the efforts by the Office of the High Commissioner for Human Rights to coordinate activities being conducted at the regional and international level in order to prepare for the Conference.

33. Convinced, by virtue of its traditions and teachings of Islam, that racism and racial discrimination were profoundly inhuman, Pakistan would continue to participate actively in the efforts of the international community to eliminate them.

34. **Mr. Oron** (Israel), speaking on agenda item 114, said that, although hybrid ethnic and national identities had become part of the social landscape, they had not yet become the rule and were all too often accompanied by overt manifestations of racism, racial discrimination, xenophobia and related intolerance. As the Special Rapporteur on those issues had noted in his report (A/54/347, para. 69), verbal racism and xenophobia had become commonplace and ingrained in society as a result of the increasing sophistication of racially motivated acts, of which the members of the extreme right and neo-Nazi organizations were the main purveyors.

35. Thus, the "wave of cybernetic racism", as the Special Rapporteur had called it, had dramatically increased the number of Web sites inciting to hatred, including sites denying the Holocaust, the existence of which was related to the rise in far-right movements. In that regard, his Government was deeply concerned at the results of the current year's elections in Austria and hoped that the new Austrian Government would be based on democratic parties, not on radical elements that raised bitter memories.

36. No society was immune to racism and intolerance, and Israeli society was no exception. In its turbulent history, inequalities had arisen between different social groups, particularly the Jewish and the Israeli-Arab populations, which did not enjoy the same degree of State support in a variety of fields. However, while much remained to be done in areas such as housing, pre-school education and access to senior Government positions, major progress had been achieved through the work of State institutions and organizations of civil society. For example, the Ministry of Education had launched a wide publicity campaign to eliminate social stereotypes, particularly those associated with Jews and Arabs and, on 24 September 1999, following the attempted bombings several days previously in Haifa and Tiberias, nine Arab and ten Jewish school directors had published in the Israeli press a communiqué denouncing acts of racism and discrimination between Jews and Arabs.

37. The elimination of racism and related forms of intolerance was among the major challenges that the international community would face in the twenty-first century. In that regard, Israel welcomed the convening of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance and hoped to contribute to its success by helping to find effective ways of combating racism and of conveying a clear, convincing message to civil society around the world.

38. **Ms. Di Felice** (Venezuela) said that throughout its history, the United Nations had made genuine progress in the struggle against racism and racial discrimination. For example, the mobilization of the international community and, in particular, of the United Nations, had unquestionably been a key factor in the collapse of apartheid. However, it was discouraging to see the scourge of racism reappear in new forms, backed by racist and xenophobic ideologies. In that regard, her delegation noted with regret the uncontrolled use of the media and the Internet to advocate the supremacy of certain races or ethnic groups and to disseminate ideas which, by attacking the principle of the equality of all human beings, constituted abuse of the right to freedom of expression.

39. Three years prior to the end of the Third Decade to Combat Racism and Racial Discrimination, it must be recognized that little progress had been made and that there was little funding available for the implementation of the Programme of Action of the Decade. For that reason, her delegation was encouraged by the actions taken by the Office of the High Commissioner for Human Rights, in particular, its establishment in 1998 of a racism project team to coordinate all the activities of the Decade, and by the High Commissioner's appeals for increased contributions to the Trust Fund for the Programme of Action for the Third Decade to ensure the implementation of future activities.

40. Venezuela had been a party to the International Convention on the Elimination of All Forms of Racial Discrimination since 1969, and the country's various democratic Governments had taken steps to guarantee implementation of the provisions of the Convention. The new national constituent assembly, which had been elected by popular vote in order to draft a new constitution, planned to expand the guarantee of the right to equality and non-discrimination enshrined in article 61 of the current Constitution. The new text stated not only that discrimination on grounds of race, age, colour, sex, language, religion, political or other opinion, national, ethnic

or social origin, sexual orientation, disability or state of health was prohibited, but also that the State would grant special protection to persons who were at a disadvantage for any of those reasons and would punish those responsible for violations committed against such persons. Those principles were deeply rooted in Venezuelan society, which had always welcomed people of different races, religions and cultures who had made a valuable contribution to the country's economic and social development. Her Government therefore attached great importance to universal ratification of the International Convention on the Elimination of All Forms of Racial Discrimination and to the implementation of its provisions.

41. The World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance would unquestionably provide an important opportunity to review the international community's progress in that area and the remaining obstacles, including the inescapable issue of the rise of new forms of intolerance. The conclusions emerging from the Conference should be action-oriented and should include a series of targeted measures in areas such as prevention, education and protection, together with provisions aimed at guaranteeing that the United Nations would receive the financial and other resources needed for the implementation of the activities relating thereto. The International Year of Mobilization against Racism, Racial Discrimination, Xenophobia and Related Intolerance, to be held in 2001, would help to increase worldwide awareness of the goals of the Conference.

42. Her delegation considered that preparations for the Conference should be extensive and comprehensive and should involve all groups which were working towards that end and participating in efforts to eliminate racial discrimination, including Governments, the United Nations system and regional and non-governmental organizations. Harmonious coexistence within diversity was the best way of overcoming, at the national and global levels, the problems resulting from racial discrimination.

43. **Mr. Hadjiargyrou** (Cyprus) speaking on agenda item 114, said that the dangers posed by intolerance should not be underestimated in a world of more than 6 billion human beings where the economy and migration were accelerating. It was therefore imperative that the international community should address that issue with determination and perseverance. Its actions must be centred on a common approach, which was only possible on a global level within the framework of the United Nations. His delegation welcomed the efforts undertaken by the Secretary-General, the Special Rapporteurs of the Commission on Human Rights, the Office of the High Commissioner for Human Rights and the Committee on the Elimination of Racial Discrimination and expressed its satisfaction at the convening of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance. That Conference would provide an opportunity to give new impetus to worldwide efforts to combat all forms of intolerance.

44. Special attention should be given to a preventive approach to fighting racism by making universal ratification of the International Convention on the Elimination of All Forms of Racial Discrimination a priority and by drawing attention to the model legislation developed by the United Nations. The role of non-governmental organizations in producing practical solutions and assisting Governments in implementing programmes should also be emphasized. Cyprus had been one of the first countries to ratify the Convention, including the amendment to article 8, paragraph 6, and was one of the few States to have made the declaration under article 14 of the Convention. Its fifteenth periodic report to the Committee on the Elimination of Racial Discrimination would soon be submitted.

45. In an effort to reach full conformity with the Convention and take note of the suggestions of the Committee, Cyprus had modified its legislation on the protection of refugees and displaced persons, as well as the procedure for acquiring Cypriot citizenship. It had also established various institutions to facilitate the implementation of the Convention and strengthened cooperation with non-governmental organizations.

46. In the field of education, which Cyprus regarded as the most effective way of eliminating indirect and structural forms of racial discrimination, the academic curriculum had been reinforced and programmes had been instituted to promote respect for all human beings and all peoples and to promote a spirit of tolerance, acceptance of differences and cooperation. Several other programmes had been created, in particular language programmes for the children of immigrants and training programmes for civil servants on the provisions of the Convention, and information campaigns had been launched to increase public awareness of the Convention and the existing body of legal and administrative remedies.

47. The occupation by the Turkish army of a part of its territory since 1974 had prevented Cyprus from implementing the provisions of the Convention throughout its territory. That fact had been underlined by the Committee on the Elimination of Racial Discrimination in its report (A/53/18), in which it stated that the continuing artificial division of the country had adversely affected efforts to

reduce tension among the various ethnic and religious communities which comprised the population. The report also expressed concern that there was insufficient information on the demographic composition of the occupied part of Cyprus.

48. Despite positive developments during the 30 years of struggle against racism and racial discrimination, the resurgence of racial prejudice, racism and xenophobia, even in societies considered beyond that stage was a clear indication that States and the international community must redouble their efforts to combat those phenomena.

49. **Mr. Jit** (India) expressed his delegation's concern at current attempts at selective reinterpretation of certain fundamental principles of the Charter of the United Nations, in particular the right to self-determination and the principle of equal rights as enshrined in Articles 1 (2) and 55 of the Charter. Those principles, which had been reaffirmed subsequently in many international decisions and instruments, were intended to facilitate the decolonization process. They were based on underlying concepts of sovereignty, the territorial integrity of States and non-interference in the internal affairs of States. Those provisions were clear and universally applicable, yet they were not being applied according to the letter and spirit intended by their authors.

50. The expectations raised by decolonization had been dashed more than once in preceding decades. In many regions of the world, freedom was trampled on, regimes governed by stealth or coercion, and relations between States were still very unequal. In its most extreme form, the exercise of power hid behind apparently legitimate humanitarian concerns to subvert a country's sovereignty, territorial integrity and democratic choice. Democratic societies, which were open and tolerant, were particularly vulnerable to such threats. If such efforts were allowed to succeed, however, every ethnic group, every religion or belief, and in fact every individual would become a nation. That was surely not the intent of the Charter.

51. Terrorism attacked democratic choice, the very basis of the principle of self-determination. Security Council resolution 1269 (1999) was therefore a welcome development and his delegation hoped that the report of the Secretary-General would reflect on the impact of terrorism on the fundamental rights of peoples.

52. The increasing use of mercenaries and child soldiers by private forces and terrorist groups was a source of serious concern and his delegation agreed with the recommendations made by the Special Rapporteur on the question of mercenaries, in particular with regard to the need for legal measures to combat that problem. It was to be hoped that the Special Rapporteur would study the situation in other regions, particularly Asia, where mercenary activity was not necessarily contractual but was very often tinged with religious fervour and misplaced ideological motivations.

53. Racism, in its classical as well as in newer forms, continued to exist. At its core lay the denial of human dignity and intolerance of differences. No one was born with racist feelings, so racism could be fought through education. Change had to come from within the child's immediate social and family environment during his early years. That process would take time, but recognition over the past half century of the dangers of racism had been a major step forward. However, much remained to be done. The Committee on the Elimination of Racial Discrimination had done important work in that area since its creation in 1970. His delegation welcomed the General Assembly's decision in 1997 to hold a World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance and noted with satisfaction the progress made during the preparatory process as described in the report of the Secretary-General. It also welcomed the establishment of a racism project team in the Office of the High Commissioner for Human Rights within the framework of the Programme of Action for the Third Decade to Combat Racism and Racial Discrimination. Finally, his delegation hoped that, in preparations for the World Conference, as well as in the implementation of the Programme of Action, greater attention would be devoted to the social and psychological dimensions of racism and to a much more holistic approach to the problem.

54. **Mr. Seriwa** (Libyan Arab Jamahiriya) paid tribute on behalf of his delegation to the Office of the United Nations High Commissioner for Human Rights for the activities it had conducted in the context of the Programme of Action of the Third Decade to Combat Racism and Racial Discrimination and of the preparatory process of the world Conference.

55. In spite of the efforts of the international community, the phenomenon of racism was becoming more acute in many regions of the world. According to the report of the Special Rapporteur on Contemporary Forms of Racism (A/54/347), racism and xenophobia continued to manifest themselves in violent forms resulting from the activities of racist and neo-Nazi organizations. On the Internet, Jewish organizations in the United States of America and the United Kingdom were engaged in anti-Arab and anti-Muslim propaganda, and such offensive use of the new medium was bound to cause concern. Human rights violations and discriminatory practices against black, Arab, Muslim and

other minorities in a number of countries claiming to be civilized should also be denounced. All necessary measures should therefore be taken at the international level to thwart racism in all its forms.

56. His delegation reiterated its support for the convening of a world conference against racism by the year 2001 and considered that South Africa had all the necessary requirements for it to be a success. All the requisite material resources should be made available to the Conference so that it was able to consider the progress achieved in eliminating racial discrimination in all its forms and the obstacles that remained.

57. The right of peoples to self-determination was a right enshrined in all international human rights instruments and documents. Nevertheless, it was a right that continued to be refused to populations living under occupation or living in a foreign country while waiting to be able to return home. That had been the case of the Palestinians since 1948. They were still awaiting implementation of United Nations resolutions affirming their right to self-determination, to return to their land and to establish an independent State.

58. The Libyan Arab Jamahiriya had no experience of problems of religious, racial or other discrimination, having always condemned racism and intolerance in all their forms and manifestations, and was in conformity with all the relevant international instruments. Libyan laws, which drew their inspiration from Islam, accorded particular importance to justice and equality, without consideration of race, religion or language, for all those living on Libyan territory.

59. **Mr. Ife Ajewole** (Nigeria) said that his country was concerned about the phenomenon of racism and racial discrimination which was on the increase and manifesting itself in diverse forms, including the Internet. It was also regrettable that racism in its violent form was instigated by State officials responsible for keeping peace and by some racist organizations. Nigeria, as a multicultural and multi-ethnic society, considered that the expansion of racism was totally unacceptable, and as a nation, was committed to the rule of law, which embraced the notion of equality before the law. Foreign nationals living in Nigeria, of whatever race, were not discriminated against or subjected to a different legal code.

60. Racism and racial discrimination not only had negative consequences for socio-economic and political development but also constituted a threat to peace and stability. Ethnic cleansing and genocide were examples of the effects which hatred, racism and racial intolerance could have on society.

61. Governments had the responsibility to adopt administrative and legislative measures that would promote tolerance. They should also prosecute the perpetrators of all acts of racism, racial discrimination, xenophobia and other forms of intolerance. Further measures, such as human rights education in schools, should raise the level of awareness among citizens, particularly young people, civil servants and law enforcement agents.

62. Racism and racial discrimination were among the worst forms of human rights violations. It was therefore necessary to demonstrate an abiding commitment to the Universal Declaration of Human Rights and to the principles and purposes of the Charter of the United Nations, which advocated tolerance among nations. The global partnership would not have any meaning if migrant workers and their families, persons belonging to minorities and members of vulnerable groups continued to be affected by racism, racial discrimination and lack of freedom of movement.

63. As for the use of the Internet for spreading ideas of racial superiority and incitement to hatred, it was incumbent upon government and law enforcement authorities, communications experts and users of modern communication technologies to curb irresponsible use of the Internet. His delegation would support any international effort aimed at developing a code of conduct for using the Internet without compromising individual rights such as freedom of expression.

64. As for implementation of the Programme of Action for the Third Decade to Combat Racism and Racial Discrimination, his delegation continued to support fully the holding of a world conference against racism and racial discrimination before the end of 2001 and welcomed South Africa's offer to host it. In that connection, it was encouraged by the activities of the racism project team established by the Office of the United Nations High Commissioner for Human Rights and the proposals for obtaining resources to implement the Programme of Action.

65. With reference to the question of the rights of peoples to self-determination, the Commission on Human Rights had drawn attention to the effects of colonialism or occupation on the exercise of that right. In his report, the Special Rapporteur had shown that the use of mercenaries to violate human rights and to impede the right of peoples to self-determination remained a serious problem. His delegation therefore urged all States to respect the provisions of General Assembly resolution 49/150 regarding signing and ratifying the International Convention against the Recruitment, Use, Financing and Training of Mercenaries

and to reaffirm General Assembly resolution 52/112 and Commission of Human Rights resolution 1998/6.

66. The use of mercenaries remained of critical concern to his delegation, since the African region was very vulnerable to their activities in a number of conflicts. As the Special Rapporteur had observed, the use of mercenaries, even in guises which gave them a semblance of legitimacy, remained a threat to the self-determination of peoples in the areas where they operated. His delegation endorsed the recommendation calling on States to adopt practical legislation to prohibit the use of their territories for the recruitment, training, financing and use of mercenaries.

The meeting rose at 11.55 a.m.

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Chairman: Mr. Galuška ..... (Czech Republic)

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00-23520 (E)

The meeting was called to order at 3.10 p.m.

Agenda item 106: Social development, including questions relating to the world social situation and to youth, ageing, disabled persons and the family (*continued*) (A/C.3/54/L.9/Rev.1)

Draft resolution A/C.3/54/L.9/Rev.1: Implementation of the World Programme of Action concerning Disabled Persons: towards a society for all in the twenty-first century

1. **Ms. Ramiro-Lopez** (Philippines), introducing the draft resolution on behalf of the sponsors, who had been joined by Belgium, China, Costa Rica, Denmark, the Dominican Republic, Fiji, Finland, Germany, Greece, India, Italy, Jamaica, Malta, Norway, Portugal and Sweden, said that, following consultations, agreement had been reached on all the key elements of the draft resolution. The European Union, particularly Finland, and Algeria, Bangladesh, China, Egypt and Norway had made a special contribution to that process, as had the staff of the World Programme of Action concerning Disabled Persons in the Division for Social Policy and Development.

2. Operative paragraph 2 of the draft resolution had been revised to read: "Welcomes the initiatives of Governments to enhance the rights of persons with disabilities and for the further equalization of opportunities by, for and with persons with disabilities, and also welcomes the contribution of the United Nations system and non-governmental organizations, as appropriate, in this regard".

3. Operative paragraph 4 had been revised by inserting, after the words "to take concrete measures", the words "to promote the implementation of relevant United Nations resolution and agreed international standards concerning persons with disabilities, in particular the Standard Rules on the Equalization of Opportunities for Persons with Disabilities".

4. The draft resolution provided a broad framework for the promotion of human rights and called for measures in relation to disabled persons that had been examined on the occasion of the third review and evaluation of the World Programme of Action concerning Disabled Persons. It also included new elements such as the importance of technology and access to information and telecommunications for the effective participation of persons with disabilities in social life and in development. It emphasized the importance of public information and timely statistics for the design of policies and strategies concerning persons with disabilities. Lastly, it encouraged Governments, concerned non-governmental organizations and the private sector to continue to support the Untied Nations Voluntary Fund on Disability, which, according to the Secretary-General's report (A/54/388/Add.1) had allocated $1 million to 35 disability-related projects.

Agenda item 114: Elimination of racism and racial discrimination (*continued*) (A/54/18, A/54/98, A/54/299, A/54/347)

Agenda item 115: Right of peoples to self-determination (*continued*) (A/54/98, A/54/118-S/1999/633, A/54/326, A/54/327)

5. **Mr. Moniaga** (Indonesia) said that racism and racial discrimination continued to exist and, notwithstanding successes such as the demise of apartheid, would remain on the international agenda well into the twenty-first century. Despite the international community's strong determination to address racism in all its aspects and to achieve the goals of equality and justice, the resources and the ability to implement the programmes of action of the United Nations Decades to Combat Racism and Racial Discrimination continued to be lacking, as the Commission on Human Rights had pointed out with regard to the Third Decade and its Programme of Action. The General Assembly must therefore request the Secretary-General to assign high priority to activities under that Programme and to earmark adequate resources to finance them.

6. In that connection, his delegation looked forward to the convening of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, which should be action-oriented and aimed at the genuine eradication of contemporary forms of racism. It was important that the Conference focus on racism in all its aspects as a global problem demanding a global response. No country, Indonesia included, could claim to be free of prejudice and racism and it would be counterproductive to target specific countries. His delegation trusted that the question of the human and financial resources that would be needed both for the preparatory process and for the Conference itself would receive appropriate

consideration at the current session and that it would not prove an obstacle to a successful Conference. In that connection, it noted the generous offer made by the Government of South Africa to host the Conference.

7. One fundamental objective of the Conference which was particularly important was the universal ratification of the International Convention on the Elimination of All Forms of Racial Discrimination, which Indonesia had recently ratified and was currently following up by harmonizing its national laws with the Convention and reviewing all legislation that could have discriminatory connotations.

8. His Government had responded promptly to manifestations of intolerance and was determined to prevent their recurrence. It was conducting a review of its legislation to ensure that all citizens received equal treatment in accordance with the 1945 Constitution. No government regulation should discriminate against an ethnic group. The Government no longer used identifying codes on Indonesian Chinese identity cards and all government officials had been instructed, by presidential decree No. 126/1998, to abolish the use of terms identifying indigenous and non-indigenous Indonesians in all government activities, policies and documents. The decree also instructed that equal treatment and service be given to all citizens, without distinction as to race, ethnic origin or religion. As a moral and pluralistic society, Indonesia was committed to promoting respect for human rights and taking into account the varied cultural, ethnic and religious composition of the nation, as provided for in the 1993 Vienna Declaration and Programme of Action.

9. **Ms. Viotti** (Brazil) said that ethnic cleansing, the resurgence of false doctrines of racial superiority, the trend towards restricting the rights of migrant workers, the use of new technologies to spread intolerance and the abuses committed against asylum-seekers and refugees were just some of the obstacles which the international community must overcome to keep alive the spirit that had inspired the historic struggle to put an end to racism.

10. Brazil was proud of its historical legacy of harmonious coexistence among people of difference religious, racial and cultural backgrounds and had consistently rejected the logic of ethnic borders. It therefore supported the convening of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance to be held in the year 2001. That Conference should be action-oriented and come up with concrete commitments and measures to counter racial discrimination and intolerance, wherever they occurred. It must send a clear message that was understood by the public at large. Her Government planned to set up a national committee to prepare for Brazil's participation in the Conference, and civil society would have a central role throughout that process. At the same time, it would continue to lend its support to the work of the Special Rapporteur on that issue, who must be given all necessary means to discharge his mandate.

11. Brazil's society and Government were engaged in promoting the rights of the country's black population, indigenous people and minorities. Activities to that end included the review of schoolbooks to eliminate stereotyping based on colour, ethnicity, gender and national origin. A working group had also been set up to foster equal job opportunity. Under Brazilian legislation, racism was a crime for which there was no bail or statute of limitations. Any kind of racial discrimination was punishable by law. Brazil was proud to be a melting pot of cultures, all of which had contributed to building a tolerant, multi-ethnic society.

12. Her Government was deeply committed to the right of peoples to self-determination, which was a basic value in human society and also an inalienable right of peoples under colonial or other forms of foreign domination. The Vienna Declaration and Programme of Action recognized the right of peoples to self-determination, for which it was essential to promote democracy and strengthen the rule of law for the benefit of all.

13. **Crown Prince Haakon** (Norway) said that ethnic diversity was a resource which must not be allowed to be wasted by ignorance and intolerance. One step in the right direction was to ratify and implement the International Convention on the Elimination of All Forms of Racial Discrimination. The World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance offered a chance to make progress in that field.

14. Despite the efforts made by the international community, under United Nations auspices, to combat racism, the objective of eliminating all forms of racism and racial discrimination was still far from being attained. Racism was an assault on human dignity

which also manifested itself in the systematic ethnic cleansing recently witnessed in several parts of the world. Racism and discrimination were global problems, but measures to combat them must be identified at the local and national level. The challenge therefore began at home. Human rights also began at home. At the same time, domestic challenges had become matters of international concern.

15. Although there had been a multi-ethnic presence in Norway's society for centuries, it was still learning to deal with the challenges of social segregation. Earlier in the year, the Government had ratified the Council of Europe Framework Convention on the Protection of National Minorities. It was currently developing policies in that area and had submitted plans to Parliament for improving its policy towards the Sami population. It realized that Norway's population would continue to become more multi-ethnic and that the number of people of immigrant background would increase, and that it would have to learn to promote tolerance and peaceful coexistence despite the many obstacles that lay ahead. Although it had taken the initial steps towards new legislation against ethnic discrimination, that was not enough. Education and the promotion of respect for foreign cultures, religions, customs and peoples would gradually wear down the barriers of intolerance. Another measure introduced by the Government was a plan of action against racism and discrimination which included measures to secure equal opportunities in the housing and labour markets. A plan of action to recruit more people of immigrant origin to the public sector had also been introduced and a centre had been established to offer legal advice to victims of ethnic discrimination.

16. Racism, racial discrimination and xenophobia also required a comprehensive range of measures at the international level. In that connection, the preparations for the World Conference had provided Norway with a unique opportunity to strengthen its commitment to combating racism. It was urgent that all countries comply with established standards, and his delegation hoped that the preparatory process would inspire those States which had not yet done so to ratify the Convention. His Government believed that a national preparatory process which involved civil society would be beneficial for the outcome and follow-up of the Conference. Norway would be establishing a national preparatory committee for the World Conference in which government ministries, specialized agencies and civil society would be represented.

17. The United Nations had a unique role to play in facilitating and harnessing national, regional and global efforts to combat racism and intolerance. Norway valued the role of United Nations instruments and mechanisms and had already joined forces with those who recognized the importance of providing adequate resources to the human rights machinery, not just in relation to the Conference but as a general policy. It was committed to participating actively and offering its support at all levels in the Conference preparatory process and urged States to renew their commitment to protecting the rights of all persons, regardless of their ethnic, national or religious origin.

18. **Mr. Amir** (Sudan) commended the work done by the Office of the United Nations High Commissioner for Human Rights in the context of the Third Decade to Combat Racism and Racial Discrimination and in the preparatory process for the World Conference. Despite the efforts of the international community, however, racism and racial discrimination had taken on new forms in recent years, especially in relation to refugees and ethnic minorities, who had joined the thousands of people worldwide already suffering from those phenomena. The report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance (A/54/347) noted that violent manifestations of those problems persisted, spurred by neo-Nazi and far-right doctrines or even by information media such as the Internet, on which, as the report indicated, there were anti-Arab and anti-Muslim sites. It was ironic that the Internet had served to spread such ideas, rather than to reject them.

19. Intimidation and hatred of foreigners, the desire to perpetuate the supremacy of one group over another, ethnic cleansing and genocide were alarming phenomena that affected everyone. Drawing on its secular traditions and on the principles of peaceful coexistence preached by Islam, his country denounced those manifestations and called for the perpetrators to be identified and restrained and for the problem to be addressed in schools and universities and in places of worship. His Government called on all States to take part in the World Conference, to which it stood ready to contribute, and endorsed the recommendations made by the Commission on Human Rights in its capacity as preparatory committee for the Conference. His Government welcomed the offer by South Africa to

host the Conference, urged that the necessary resources be allocated for convening it and trusted that the Conference would consider both the progress made against racism and the obstacles remaining to its eradication, as well as what measures to take at the national, regional and international levels. As a multi-ethnic, multicultural society, the Sudan had been a tolerant country for centuries, although politically motivated foreign interference had used that diversity to frustrate the people's aspirations for progress, prosperity and well-being. Ethnic, cultural and ideological diversity must lead to unity and coexistence, not cause division and discord.

20. **Ms. Barghouti** (Observer for Palestine) said that the right of peoples to self-determination was a very important item; its realization was enshrined in the Charter of the United Nations and embodied in human rights instruments, and the international community, principally the United Nations, had a responsibility to guarantee its enjoyment by all peoples. Combating inequality and oppression and securing the right of peoples to self-determination should therefore be among the international community's top priorities. More serious action was required in that regard, especially for people living under foreign occupation or domination. The Palestinian people had for too long suffered from Israeli occupation and oppression, and it was still being denied its right to self-determination. All the known ills of occupation continued, as did Israel's creation of new facts on the ground, foremost of which were illegal settlements, the antithesis of freedom and self-determination for the indigenous people. Moreover, refugees and displaced persons continued to be denied not only their right of self-determination but also their right of return.

21. In the 1993 Declaration of Principles on Interim Self-Government Arrangements, Palestine and Israel had recognized their mutual, legitimate political rights. Since a genuine commitment required recognition of the right of the Palestinian people to self-determination, however, Palestine preferred to believe that Israel had not recognized that right for tactical reasons, and it hoped that the current peace process would result in full recognition, manifested in the existence of a Palestinian State. Real engagement in the peace process required such recognition, for it was inconceivable to recognize one's adversary as a people while refusing to recognize its right of self-determination. Without such recognition, the peace process could not reach a normal, logical and successful conclusion. At the same time, the establishment of an independent State of Palestine, in exercise of the right of self-determination, could not be subject to any veto. In conclusion, her delegation trusted that Palestine would be able to participate in the forthcoming Millennium Assembly as a full member of the United Nations, and it was confident of the Assembly's support in that regard.

22. **Mr. Zmeevski** (Russian Federation) said that the international community had so far been unable to find an effective remedy against racism and racial discrimination, which were prevalent throughout the world. Contemporary forms of racial discrimination were increasingly complex and also included such phenomena as nationalism, nationalist extremism and xenophobia. The preparatory work for the World Conference must therefore focus on identifying concrete measures for combating them. In that connection, his delegation endorsed the statement in the Secretary-General's report (A/54/299) that the question of racism and racial discrimination should be addressed from a global standpoint, because no part of the world was exempt from those negative phenomena. Racism was not only taking on new forms but also using new means such as the Internet; the preparatory work for the Conference should therefore also look at racism in the electronic media. The only acceptable contemporary form of intolerance was intolerance of any act of discrimination, racism, aggressive nationalism or belligerent xenophobia.

23. His delegation had read the report of the Special Rapporteur of the Commission on Human Rights (A/54/347) with great interest and it noted with concern the many cases of human rights violations committed against gypsies in Kosovo by Albanians, who considered them to be allies of the Serbs. The summary execution, abduction, arbitrary detention and torture perpetrated against the Roma showed the complexity of resolving the conflict in the Balkans, in which the United Nations must play a leading role.

24. His country had been a multi-ethnic State throughout its history and both its legislation on inter-ethnic relations and its State policy in that area, as well as their application, were governed primarily by the need to promote unity among peoples, strengthen mutual understanding and cooperation and eliminate all forms of discrimination. In recent years, federal laws had been enacted concerning autonomous territories

and the rights of minority peoples, and bills on political extremism and the prohibition of Nazi symbols and propaganda had been introduced in the State Duma. A federal programme against political and religious extremism had also been developed. The Council of Europe Framework Convention on the Protection of National Minorities had entered into force in 1999 and it was hoped that its provisions would help to further harmonize inter-ethnic relations within the Russian Federation. In the context of preparations for the World Conference, a subregional conference on racism was to be held in his country.

25. His delegation endorsed the conclusions of the Secretary-General's report (A/54/299) as to the important role of the Committee on the Elimination of Racial Discrimination in preventing racism, and it hoped that the Latvian authorities would abide voluntarily by the recommendations made by that Committee at its fifty-fifth session concerning the fulfilment of their obligations under the Convention on the Elimination of All Forms of Racial Discrimination. In particular, he recalled that the Committee had urged Latvia to change its policy with regard to national minorities and to implement the Committee's recommendations for bringing its legislation into line with international human rights instruments. That issue was also relevant to Estonia.

26. The security and stability of the current world order depended to a large extent on the correct interpretation of the right of peoples to self-determination. It was essential that self-determination should not be viewed in isolation from other principles of international law. Although very important, that right did not justify acts which threatened, in whole or in part, the territorial integrity or political unity of a sovereign, independent State. That would be reducing self-determination to the level of separatism, which was currently one of the main causes of inter-State conflict and regional instability, both of which posed a threat to all States. It should also be noted that separatism was becoming increasingly associated with violence and terrorism. It was at his country's initiative that the Security Council had, for the first time in its history, recently held a special session on terrorism, at which it had adopted a resolution unanimously condemning terrorist attacks, especially those, motivated by separatism, which sought to undermine State sovereignty and institutions. The United Nations must help to ensure that the international community firmly opposed such criminal acts.

27. The promotion of local self-government was the best alternative to separatism. In 1998, his Government had ratified the European Charter of Local Self-Government, which recognized local government organs as one of the bases of democracy. The measures taken by his Government in that sphere included the establishment of a congress of municipalities of the Russian Federation, approved in a presidential decree setting forth the principles governing relations between the congress and federal organs. Local interests were also upheld in the Russian Constitution, which guaranteed the independence of autonomous authorities. Lastly, the Government had enacted a number of laws and over 1,300 regulations in that sphere, since people's power was based on local self-government. His Government believed that the right of peoples to self-determination could be exercised constructively only through the democratic process and not through violence or separatism.

28. **Mr. Naser** (Jordan) said that human rights were the heritage of all humankind, regardless of gender, religious, political or other considerations, and that provisions for the protection of those rights were the minimum standards that must prevail in all States. The international community had a duty to overcome the obstacles to the exercise of those rights, especially since the Vienna Conference and in view of violations of the principles which the peoples of the world and the United Nations were fighting to uphold. His delegation was concerned at the increasingly clear manifestations of racial discrimination and xenophobia in many countries of the world, which, as mentioned by the Special Rapporteur of the Commission on Human Rights, were reflected in violence, discriminatory policies and racist propaganda on the Internet.

29. His Government had tried constantly to use dialogue and to maintain an open attitude in a region affected by various crises. It had also applied that approach in its domestic policies and legislation, in keeping with its commitment to the main human rights instruments, including the International Convention on the Elimination of All Forms of Racial Discrimination. It felt that a distinction must be made between pluralism in its historical context and pluralism as it existed politically in a given society, in order to protect the cultural diversity of society while preserving the coherent identity of the nation. It was not enough to

reaffirm tolerance and to defend human rights, which in Jordan were guaranteed by law. What was important was to respect the rights of minorities and to guarantee their representation in political life. His Government was doing its utmost to protect the rights of the most disadvantaged sectors and to guarantee their participation in society.

30. In order to preserve political pluralism at a time when a communications revolution was under way, more attention must be paid to cultural diversity, emphasizing tolerance and the rejection of cultural stereotypes. The notion of a clash of civilizations, xenophobia, racism and negative generalizations must be abandoned in favour of a dialogue with other peoples and cultures, emphasizing what peoples had in common. He welcomed the convening of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, to be held in 2001. The Commission on Human Rights had a role to play as the preparatory body for the Conference, and the Special Rapporteur's appeal that it be given all the means necessary to formulate recommendations deserved support.

31. The peoples of Asia, Africa and Latin America had made great sacrifices in order to win their right to self-determination, waging a struggle that had always had the support of the United Nations. Despite numerous United Nations resolutions, however, the Palestinian people was still unable to exercise its legitimate right of self-determination in its national territory. His delegation welcomed the progress made in the Israeli-Palestinian peace process and hoped that it would be accompanied by the effective implementation of the agreements signed, including the most recent agreement, the Sharm-el-Sheikh Memorandum, as a step towards a just and comprehensive settlement of the Palestinian question that would guarantee the Palestinian people's right of self-determination, including the right to establish an independent State with Jerusalem as its capital.

32. **Mr. Alaee** (Islamic Republic of Iran) said that, as the world approached the new millennium, the growing trend of racism, racial discrimination and xenophobia, in their new manifestations and subtle or violent forms, against, *inter alia*, aliens, minorities, refugees, migrant workers, women and children was a source of serious concern for the international community and human rights mechanisms.

33. Fortunately, the international community had recognized the necessity of holding the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, which could provide an opportunity for addressing the issue thoroughly and could serve as a turning point in the struggle against those phenomena by drafting wide-ranging, clear guidelines and practical recommendations. At the same time, the Conference should be action-oriented and review shortcomings in the implementation of the Programme of Action of the Third Decade to Combat Racism and Racial Discrimination.

34. His delegation appreciated the endeavours of the open-ended working group of the Commission on Human Rights to review and formulate proposals for the World Conference, as well as the discussions held at its first session, in March 1999, on the basis of the seven objectives of the Conference set forth in General Assembly resolution 52/111 of 12 December 1997. In that connection, he wished to emphasize the importance of the following: the organization of regional seminars of experts on recourse and good practices; the creation of an Internet web site on the World Conference; the promotion of universal ratification of the International Convention on the Elimination of All Forms of Racial Discrimination; the crucial role of education and consciousness-raising in combating racism and racial discrimination; consideration of the role of the media, including the Internet, in spreading racism; the use of the Internet as an educational tool to promote tolerance and respect for human dignity and diversity; and the study of ways of increasing the effectiveness of United Nations activities and mechanisms for combating racism.

35. His delegation had participated actively in the discussions and consultations on the resolutions on racism, racial discrimination, xenophobia and related intolerance held in the General Assembly and the Commission on Human Rights, and in April 1998 his Government had announced to the United Nations High Commissioner for Human Rights that it was prepared to host the Asia regional preparatory meeting for the World Conference. The World Conference and its regional preparatory meetings should address thoroughly the abuse of new communication technologies, including the Internet, for the purpose of incitement to racial hatred and should adopt practical measures to regulate their use. In that connection, the

prohibition on disseminating ideas based on racial superiority, as recognized by the Committee on the Elimination of Racial Discrimination, was a legitimate restriction on freedom of opinion and expression.

36. One clear manifestation of xenophobia and intolerance was the resurgence of discrimination and violence against Muslims. At the fifty-fifth session of the Commission on Human Rights, States members of the Organization of the Islamic Conference had proposed a draft resolution on the defamation and stereotyping of religions, which had been adopted unanimously. His delegation believed that "Islamophobia" fell within the mandates of both the Special Rapporteur on racism and the Special Rapporteur on religious intolerance and therefore called upon them to take the provisions of that resolution into account.

37. **Mr. Tekle** (Eritrea) said that, in the context of the various reports, as well as the disturbing developments in the Horn of Africa, his delegation was obliged to raise the issue of the constitutional framework and the political, economic and social policies which legalized and indeed sanctioned the social, political and economic discrimination, the massive violation of human rights, the deliberate use of the print and electronic media to incite hatred and the perpetration of violence against national and ethnic groups in Ethiopia.

38. Ethiopia was purportedly a federal State organized on the basis of ethnicity. However, the majority of Ethiopian intellectuals and political leaders had denounced such ethnic federalism as a kind of "ethno-apartheid" which was undermining national unity, social harmony, regional peace and economic development and promoting the material interests of only one ethnic group.

39. Politically, the Ethiopian State was divided into *kilils* or administrative zones which had been compared to apartheid South Africa's Bantustans. Those fragmented and non-viable *kilils* had made it possible for the people of Tigray, whose territory had expanded as a result of the annexation of territory from the other ethnic groups, to maintain complete hegemony in the country. Economically, the long-range plan was to create a State in which the wealth of Ethiopia was controlled by less than 4 million of Ethiopia's roughly 60 million inhabitants. Resources were being diverted to Tigray from the other *kilils* and the "federal" Government. The Ethiopian economy had been ethnicized, in other words, it was designed to serve Tigray's development needs and to enrich private Tigreans.

40. The armed forces have been monopolized by the minority regime. Tigray was the only *kilil* to have its own fully equipped standing army, as well as an air force. The federal army formed by the Tigray People's Liberation Army was fully controlled by the regime. That army was regarded by most Ethiopians as an army of occupation which safeguarded the interests of one ethnic group. Ethiopia's foreign policy objectives could be summed up as the restructuring of the region to serve the interests of the minority regime and the creation of a constellation of mini-States dominated by it. To that end, Ethiopia had been building up an ultra-modern, aggressive army which it had already used in Somalia and Eritrea and, worse still, it had hired mercenaries who were participating in the war of aggression against Eritrea. In its dangerous pursuit of regional supremacy, it had occupied Somali territory, violated Kenya's territorial integrity and economically blackmailed a neighbouring country into submission. Its relations with the Sudan and Egypt also left much to be desired.

41. His delegation condemned the use of mercenaries not only because there were several Organization of African Unity (OAU) resolutions condemning it as a bane on African society and because mercenaries had destabilized many African countries and had been brutal instruments in the suppression of the right of peoples to self-determination, but also because Eritrea, both during its liberation struggle and currently as a result of Ethiopia's aggression, had been suffering the consequences of the use of mercenaries by Ethiopia. It was a matter of public knowledge that Ethiopia had hired mercenaries from Eastern Europe, a fact which Eritrea had documented for the Third Committee. According to notable exiled Ethiopian intellectuals and organizations and the Ethiopian press in exile, Ethiopia had become a predatory and repressive ethnic State which had constitutionally institutionalized tribalism in order to benefit a single ethnic group politically and economically, keep that group in power and expand at the expense of other ethnic groups and neighbouring States.

42. According to the same sources, Ethiopia's ethnic minority regime had systematically violated all the norms of international law, the Charter of the United Nations and civilized international conduct. It was

waging a war against humanity which the Committee must condemn both because of its crimes against Ethiopian and foreign national and ethnic groups and because of its reintroduction of mercenaries into Africa. The Committee and the international community must also insist on the unconditional acceptance and application of the OAU peace package.

43. **Mr. Al-Humaimidi** (Iraq) said that his Government had submitted its fourteenth periodic report to the Committee on the Elimination of Racial Discrimination, whose findings indicated that the difficult economic and social situation prevailing in Iraq and foreign military incursions in different areas of the country had had a negative impact on the implementation of the human rights treaties, including the International Convention on the Elimination of All Forms of Racial Discrimination. The Committee had recalled decision 1998/114 of the Subcommission on Prevention of Discrimination and Protection of Minorities and had appealed to the international community, in particular the Security Council, to lift the embargo provisions affecting the humanitarian situation of the population of Iraq. At the same time, the Committee had welcomed the information that Iraq's internal legal order made it possible for individuals directly to invoke the provisions of the Convention before the courts.

44. On the eve of the new millennium, the increase in racism, racial discrimination and xenophobia, particularly against migrant workers in countries which claimed to have made great strides in the area of human rights, was a source of grave concern. The report of the Special Rapporteur on contemporary forms of racism (A/54/347) referred to the use of the Internet to spread racist propaganda, including anti-Arab and anti-Muslim propaganda. States must take action to combat that phenomenon.

45. His delegation fully supported the convening in 2001 of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance. With regard to the right of peoples to self-determination, the fact that that right was proclaimed in Article 2 of the Charter of the United Nations, following the Article referring to the maintenance of international peace and security, meant that the two Articles were closely linked. The International Covenants had reaffirmed that right and had linked it to the right to development. Those two rights were the cornerstones of peace and security throughout the world. Iraq, which like other countries had gained its independence at the cost of great sacrifices and had been a founding member of the United Nations, was aware of the importance of the right to self-determination and the right of peoples to choose their own political and economic system, and it was proud to have participated in the work of the Special Committee on decolonization since its inception.

46. Despite all that had been done to eliminate colonialism, the current decade had seen a dangerous retrogression, which was reflected in direct and indirect military intervention on a variety of pretexts, the threat of force and the use of political and economic pressure to prevent countries from choosing their own system of government and to subject them to super-Power domination. That was a new form of colonialism. His country was one of the victims of such aggression. The military incursions in northern Iraq violated its sovereignty and territorial integrity and had forced a withdrawal of the central administration from those areas, turning them into a breeding ground for factional infighting and bloody conflict. Moreover, the United States and the United Kingdom had decreed, without any Security Council resolution having been adopted to that effect, that the exclusion zones in northern and southern Iraq should be expanded. On inconceivable pretexts, the United States Government had launched three missile attacks, in 1992, 1993 and 1996, causing substantial material damage. Between 6 and 20 December 1998, the United States and the United Kingdom had launched further military attacks, killing and wounding hundreds of people and destroying Iraq's industrial base and defence infrastructure. In the 25 January 1999 incursion against the city of Basra, 17 people had been killed and hundreds more wounded, and there had been massive material damage. Moreover, the United States and the United Kingdom were continuing their daily bombing raids in northern and southern Iraq on the pretext of maintaining the exclusion zone.

47. Both countries' insistence on maintaining a comprehensive embargo, even if Iraq fulfilled its international commitments, had emerged clearly from statements by the United States authorities. That was a flagrant violation of the right of the Iraqi people to exploit their own resources. The United States had spent $17 million on the financing and training of mercenaries in an attempt to interfere in Iraq's internal affairs and change its regime. The right of self-

determination was a prerequisite for the safeguarding of human rights, and the international community must take firm action against any practice which disregarded that right or interpreted it selectively. His country had chosen its political system by means of a free referendum, thereby reaffirming the Government's commitment to respect that right, and the international community must assume its responsibility under international law with regard to the aggression against Iraq. The United States and the United Kingdom must be urged to halt such acts, which threatened Iraq's security, sovereignty and territorial integrity.

48. **Ms. Tomic** (Slovenia) noted that equality of all human beings, as provided for in article 1 of the Universal Declaration of Human Rights, was far from being achieved. On the contrary, many armed conflicts were being triggered by the drive for domination, and even stable, flourishing societies were not immune from occurrences of racism, xenophobia or intolerance. Her country was no exception; in recent years, there had been manifestations of intolerance towards those who were perceived as "different" because of their skin colour, national or ethnic origin, religion or sexual orientation. Intolerance ran counter to the well-being of society and its further socio-economic advancement on the basis of inter-ethnic and cultural diversity. Respect for equality needed to be further enhanced, especially at a time when there were increasing numbers of migrant workers and refugees.

49. Her Government saw the World Conference and its preparatory process primarily as an opportunity to enhance national action for the prevention of racism, xenophobia and intolerance and to build on the process of human rights awareness-raising begun in recent years. Slovenia's national preparatory activities would involve the relevant government ministries and the non-governmental sector. It would continue to participate actively in the European regional preparatory process, which could be extremely useful for exchanging experiences.

50. In the context of the overall aims and objectives set out in General Assembly resolution 52/111, her delegation attached particular importance to the following issues: appropriate information collection and analysis; the existence of professional, independent media; and public awareness-raising through the teaching of tolerance, respect for diversity and human rights values from an early age and the training of target professional groups such as police officers and prison guards. The protection of minorities would also need to be addressed, since cooperation and coexistence among different ethnic communities were of vital importance for developing a tolerant, democratic society.

51. Her delegation commended the Conference-related activities of the Office of the United Nations High Commissioner for Human Rights and its racism project team. The Conference should hopefully encourage universal ratification of the International Convention on the Elimination of All Forms of Racial Discrimination and provide an opportunity for States to submit declarations under article 14 of the Convention.

52. **Mr. Haque** (Pakistan) said that the right of peoples to self-determination was sacrosanct; it was through the exercise of that right that, over the past five decades, the vast majority of the membership of the United Nations had achieved their independence. The United Nations had made an invaluable contribution to the realization of that right, and the central role which it had played recently in organizing the referendum in East Timor was a reflection of the international community's strong belief in that most basic of human rights. His delegation appreciated the courageous and far-sighted decision by the Government of Indonesia to hold the popular consultation process in East Timor. That had been an historic event which had allowed the people of East Timor freely to express their views about their future, and its result had been endorsed by the Indonesian Parliament. The popular consultation process held under United Nations auspices had provided an honourable solution to a longstanding problem and was a useful model for resolving other outstanding issues.

53. In the Middle East, the revival of the peace process had given rise to a new optimism, and the recent signing of the Palestine-Israel agreement on final status talks was encouraging. His delegation was confident that the people of Palestine would soon regain all its territory. Many oppressed peoples continued to be denied their inalienable right of self-determination, however. The people of Jammu and Kashmir had been denied that right for over 50 years. Both India and Pakistan had committed themselves to abide by the decision of the Security Council allowing the people of Jammu and Kashmir to determine their own future through the holding of a free and impartial plebiscite under United Nations auspices. India, however, had failed to honour its solemn commitment

and had so far refused to implement the relevant Security Council resolutions, thereby denying the Kashmiri people their right of self-determination. While the United Nations had been organizing the free and impartial popular consultation process in East Timor, the Indian Government had been enacting an electoral farce in occupied Jammu and Kashmir, with the help of more than 700,000 occupation troops, in order to perpetuate its illegal and immoral occupation of Kashmir. More than 88 per cent of the people had boycotted the sham elections, and the entire leadership of the All Parties Hurriyat Conference (APHC), which had organized the boycott, had been imprisoned. The overwhelming boycott of the so-called elections by the Kashmiri people was the real referendum, and a telling condemnation of India's illegal occupation of Jammu and Kashmir. The international community must call upon India to release immediately the APHC leaders who were under illegal detention.

54. The people of Jammu and Kashmir demanded the holding of a free and impartial plebiscite under United Nations auspices, and they expected justice from the Organization. They also expected the international community to be equitable in implementing Security Council resolutions, and the United Nations to play the same proactive role as it had in East Timor. The peace, security and development of the region were intrinsically linked to the solution of that problem. Pakistan stood ready to work towards resolving all its outstanding problems with India through peaceful negotiations.

55. **Mr. Noar** (Egypt) said that the Special Rapporteur's report contained disturbing information about contemporary forms of racism, racial discrimination and xenophobia in many parts of the world, especially some developed countries. His delegation was deeply concerned at the proliferation of racist propaganda and the incitement to hatred against Muslims and Arabs by certain information media, as described in the report. A distinction needed to be made between freedom of opinion and dissemination of racist propaganda and incitement to hatred. Governments must enact laws to counter the activities of organizations which disseminated such information and to protect groups affected by it. His delegation awaited with interest the holding of the World Conference in 2001 and welcomed South Africa's offer to host the Conference and the efforts which it was making to that end. The United Nations and the international community must provide the financial resources to make that offer a reality. In that connection, his delegation was concerned at the lack of funds to support activities under the Third Decade to Combat Racism and Racial Discrimination and urged the international community to increase its contributions in order to lend impetus to the implementation of the Programme of Action for the Decade before the Conference.

56. **Mr. Leal Cordeiro** (Angola) said that his delegation associated itself with the statement made by South Africa on behalf of the Group of States members of the Southern African Development Community (SADC). His Government attached great importance to the issue of racism and racial discrimination, not only because for 500 years its people had suffered the burden of discrimination under colonial rule but also because it viewed all discriminatory practices as inhuman and as a serious threat to harmony among peoples. Angola was made up of peoples of different races, ethnic backgrounds, creeds and religions, and all the rights of its citizens were protected by the Constitution and guaranteed by the Government. Although it did not face conflicts involving racism, racial discrimination, xenophobia and related intolerance, it was driven by the duty to strive for a world free of discrimination for future generations of Africans and for Africans living throughout the world.

57. There continued to be widespread manifestations of disguised and increasingly sophisticated forms of racism, racial discrimination and xenophobia in the world, particularly in regions with a high level of economic development, a fact that had been recognized and denounced in various forums. As the Special Rapporteur pointed out in his report, the practice of discrimination had not diminished and the goals established for the Third Decade to Combat Racism and Racial Discrimination were still far from being achieved.

58. His delegation was nevertheless encouraged that some progress had been made, especially the adoption of legislation to protect minorities against racism and other forms of intolerance in many countries and the increase in the number of States which had signed and ratified the International Convention on the Elimination of All Forms of Racial Discrimination.

59. Much remained to be done, however, to ensure the effective implementation of programmes to better

protect the rights of the groups most targeted by racism and racial discrimination, such as national minorities and migrant workers and members of their families. Measures should also be taken to curb emerging neo-fascist and neo-Nazi movements in some countries, as well as increasing manifestations of xenophobia and other discriminatory practices. His delegation stressed the importance of the preparations for the World Conference to be held in 2001, for which the amount of financial resources should be increased. The Secretary-General's report on the implementation of the Programme of Action for the Third Decade and on the Conference preparatory process (A/54/299) revealed a lack of strong commitment on the part of the international community, displayed by the insufficient contributions made thus far to the Trust Fund for the Decade despite the appeal by the General Assembly in its resolution 53/132.

60. His delegation fully supported the right to self-determination of all peoples still living under the colonial yoke. As it had during the decolonization process, the United Nations had played an important role in the recent popular consultation in East Timor, whose people had overwhelmingly rejected foreign occupation and voted for independence. In Western Sahara, his delegation hoped that the combined efforts of the United Nations and OAU towards the holding of a referendum would soon lead to the long-awaited settlement of differences. It also welcomed the latest developments in the Middle East peace process.

61. His delegation was concerned at the continued use of mercenaries in some regions of the world as a means of hindering the full exercise of the right of peoples to self-determination. The report of the Special Rapporteur on that question (A/54/326) demonstrated the extent of the phenomenon. His delegation strongly condemned mercenarism and would continue to work for its prohibition. It strongly rejected the accusation that Angolan citizens were involved as mercenaries in the conflict in the Republic of the Congo. Cooperation between Angola and the Congo was based on bilateral agreements signed by the two Governments and, of course, included military cooperation. His delegation supported the continuation of the mandate of the Special Rapporteur on mercenaries, to whom it pledged its full cooperation.

62. **Mr. Hunte** (Saint Lucia) said that respect for the principle of equal rights and self-determination of peoples, as set forth in Articles 1 and 55 of the Charter of the United Nations, had always held a special significance for the small island developing States of the Caribbean and had served as a guiding principle in the region's ongoing process of self-determination. According to one of the founding fathers of self-determination, the late President of Tanzania, Julius Nyerere, that principle meant the ability of a people to determine their own future and to govern themselves without interference. The late Kwame Nkrumah, former President of Ghana, had also said that it was far better to govern oneself than to be governed by anyone else. Self-determination was the unfinished business of the United Nations in the current millennium and the international community must redouble its efforts to complete the process in the new millennium. That task remained incomplete in the Caribbean and Pacific regions, where the majority of the remaining Non-Self-Governing-Territories were located and whose peoples had yet to exercise their right of self-determination.

63. His delegation strongly reaffirmed that the principle of absolute and complete political equality must continue to be the standard that applied to the self-determination process of those small island territories. The international community could not accept anything less than the goal of self-determination and subsequent political equality simply because many of the territories in question were small in size, and his delegation reaffirmed the longstanding principle of the General Assembly that size should not be used as an impediment to the exercise of the right of self-determination.

64. **Mr. Yuasise** (Papua New Guinea) said that for more than half the current decade, his delegation had chaired the Special Committee on decolonization. Although some progress was being made in that area, it hoped that before the end of the year 2000 agreement would be reached on specific programmes of action for each Territory, to help the Special Committee complete its mandate, and that the United Nations, with the support and cooperation of the Member States, especially the administering Powers, would settle the issue of the 17 remaining Non-Self-Governing Territories. His delegation noted with appreciation the cooperation and understanding shown by some administering Powers and Member States, especially New Zealand in the case of Tokelau, France in the case of New Caledonia, Indonesia and Portugal in the case of East Timor, and the parties involved in the proposed referendum for Western Sahara.

65. His delegation noted the detailed information contained in the report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, as well as the measures taken and the progress made by the United Nations in combating those phenomena. The various legislative and institutional mechanisms introduced by some Member States for the betterment of humankind and civil society should be encouraged, and he called on other States which had not yet done so to take similar action.

66. There was also discrimination in the area of employment. Not only was there gender inequality, but in some developing countries transnational and multinational corporations were very influential both politically and economically and often preferred to employ foreign rather than local workers. That was done in the name of efficiency and profit maximization, with little or no regard for the human resource and technology transfer needs of the host country. The United Nations needed to address those issues in either the Third Committee or other relevant committees.

67. Another new danger was the use of information technology and the Internet to promote racist ideas and information which could incite new racial hatred. That would very quickly undermine the successes achieved and the good work done in that field. The international community must take the lead in solving that problem. His delegation hoped that the World Conference to be held in South Africa in 2001 would set new targets for solving the current problems in that field.

68. **Mr. Malenovsky** (Czech Republic), referring to the statement delivered in the Third Committee on behalf of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, said that his delegation appreciated the Special Rapporteur's work but felt that, by focusing mainly on the problem of the Roma population in the Czech Republic and two other European countries while referring only sporadically and in an isolated manner to current manifestations of racism, discrimination or xenophobia in other parts of the world, that statement had not been adequately balanced.

69. His country was fully aware that the situation of the Roma community in its territory was unsatisfactory. Accordingly, being a democratic country, it paid attention to the recommendations and suggestions of other countries and international institutions. Although it was a party to the Framework Convention on the Protection of National Minorities and its domestic legislation protected the Roma community, it had not always been feasible to free interpersonal relations from the elements of intolerance so typical for many countries which were still coping with the heritage of their totalitarian past.

70. In the past few months, his country had been criticized in connection with the construction of a two-metre-high wall in the town of Ústí nad Labem, which had also been mentioned — in a regrettably uninformed manner — in the Special Rapporteur's statement. The construction of the wall had seriously damaged the country's image. Although the intention of the builders had been to solve a dispute between groups of citizens, the wall had gradually become a symbol of racial intolerance. Even if it did not agree with that perception, his Government was committed to finding a balanced solution to the problem. Accordingly, on 18 October 1999 a special representative of the Government had been appointed to reopen the dialogue between the parties to the dispute.

71. His Government was aware of its responsibility for the overall improvement of the status of the Roma community in its territory. In the past few years, many fundamental, positive steps had been taken in that regard on which information had been provided to the international community. It would be naive, however, to think that a genuine improvement in the status of the world's Roma community could be accomplished in a few years.

72. The problem of the Roma undoubtedly had international and European dimensions and as such must be targeted by States acting together in close cooperation. His Government had been calling for such cooperation. In 1998, as a result of its initiative and financial contribution, the structure of the Office for Democratic Institutions and Human Rights of the Organization for Security and Cooperation in Europe (OSCE) in Warsaw had been reinforced and the post of coordinator for the Roma had been created. In cooperation with the Council of Europe, a strategic plan for the solution of inter-ethnic problems between the majority population and the Roma community had been developed in Brno, the second largest city in the

Czech Republic, and the Council of Europe intended to introduce it as a blueprint elsewhere in Europe.

73. His Government was strongly committed to pursuing its international efforts with regard to the status of the Roma community. It believed that, through cooperation with the United Nations and other international organizations, it would gain the necessary support of other States for its call to approach the problem from a Europe-wide perspective, in order to achieve a general, lasting improvement in the status of the Roma in Europe and throughout the world.

74. **Ms. Romulus** (Haiti) said that, ever since achieving statehood, Haiti had had a tradition of non-discrimination which had been affirmed in its very first Constitution. Throughout its existence, it had been in the vanguard of anti-racist movements. In 1972, it had acceded to and ratified the International Convention on the Elimination of All Forms of Racial Discrimination, and in 1981, the Government had promulgated a decree bringing the provisions of the Convention into force, especially those on the punishment of the crime of racial discrimination. In August 1999, the Ministry of Justice and Public Order had submitted a second report to the Committee on the Elimination of Racial Discrimination, and the Committee had expressed satisfaction at the fact that international human rights instruments became an integral part of Haiti's domestic legislation. However, since the Committee had also expressed concern at the Government's repeated assertion that there was no racial discrimination in Haiti, she wished to make a number of observations.

75. First of all, there was no racial discrimination in Haiti because the country had always been very racially diverse. The recent boom in technology and growth of infrastructure had contributed to the racial mix, with the result that racial distinctions were becoming increasingly blurred and ethnic types increasingly complex. Such diversity meant that while there might be colour prejudice there was no racial discrimination, since Haiti remained a black country racially speaking. Secondly, Haiti's domestic legislation contained provisions against racial discrimination, as had its successive Constitutions. As a result, there was no racial discrimination as such in Haiti. Haiti's population, having suffered racism at first hand, had always been in the forefront of the struggle against that crime. Although some Haitians might be colour-prejudiced in private, that was far from being Haiti's main social problem. In a country whose population was black and mulatto, the main issue was inequality between the rich, of whatever colour, who exploited the labour of the poor, who could also be of any race.

76. **Mr. Tessema** (Ethiopia), speaking in exercise of the right of reply, said that he wished to clarify some of the issues raised by the Eritrean delegation with regard to the political, economic and social situation in Ethiopia. Although it might appear from that delegation's statement that the situation in Eritrea was better, the fact was that Eritrea had no constitution, no political parties and no free press. In any case, he believed that the issue of good governance and economic and social policies came within the purview of each State and that the Committee was not the place to discuss it, while it was the place to discuss issues such as unprovoked aggression against a neighbouring State.

77. Eritrea's irresponsible behaviour was manifested by the allegations which its representative had made in the Committee in an attempt to tarnish Ethiopia's image vis-à-vis its neighbours. That representative had named three countries in particular, but Ethiopia maintained good relations with those countries, as it had with Eritrea until May 1998 when the Eritrean regime had committed its aggression. That was the issue which the Committee should discuss.

78. Although racism no longer formed part of the official doctrine of any country, it still existed in practice in cruel forms which called for the adoption of effective countermeasures by the international community. His delegation was extremely concerned about the unabated racist measures adopted by the Eritrean regime against Ethiopians living both in Eritrea and in the occupied Ethiopian territory, for whom denial of human rights, lack of legal remedies and outright discrimination had become the order of the day. The Eritrean Government had given orders, although not publicly, for the summary dismissal of Ethiopian nationals from their jobs and the eviction of Ethiopian tenants from their homes. In addition, the police and organized hit squads subjected them to beatings, arrest, rape, torture and killings. Those atrocities were being committed away from the eyes of the international community, because the Eritrean regime had refused to allow non-governmental organizations and some United Nations agencies to operate in the country. The Eritrean authorities had also confiscated money and property from Ethiopians, and

employers were refusing to pay them their salaries and the compensation due to them for termination without notice. Ethiopian nationals were being denied medical treatment and routinely discharged from hospitals, they had to endure racist slurs, they were being urged to leave the country and they were often arbitrarily arrested. If they decided to leave, they were required to pay exorbitant emigration fees and were held in detention centres where some had even died.

79. For the past year and a half, the Eritrean regime had been trying desperately to exploit the issue of Ethiopia's treatment of some Eritrean nationals. That was because its own clandestine terrorist structure in Ethiopia had been smashed. It had also used the issue to divert attention from its aggression against Ethiopia and its indiscriminate bombing of civilians, including schoolchildren. His delegation once again called upon the international community to condemn the Eritrean regime for its aggression, deplore its racist propaganda and attacks and hold it accountable for its war crimes.

80. **Mr. Priedkalns** (Latvia), speaking in exercise of the right of reply, said that he wished to refute the allegations made by the Russian delegation both at the current meeting and in August 1999 in Geneva during the fifty-fifth session of the Committee on the Elimination of All Forms of Racial Discrimination. For all the Russian Federation's claims that Latvia's legislation breached international norms on the rights of national minorities, both the Council of Europe and the OSCE Committee on National Minorities had found Latvia to be in compliance with those norms.

81. Latvia's progress on human rights was all the more significant when set against the historical backdrop of the twentieth century, in which two totalitarian regimes had occupied it, violating the human rights and forcibly altering the ethnic make-up of its population. That had made it especially aware that governments had an obligation to defend human rights, strengthen democratic institutions and ensure the social well-being of all citizens. Fulfilment of that obligation, which was incumbent on all States Members of the United Nations, was also an ongoing process.

82. **Mr. Tekle** (Eritrea), speaking in exercise of the right of reply, said that it was one thing to make allegations but another to substantiate them, which the Ethiopian representative had failed to do. Eritrea's allegations, on the other hand, had been corroborated even by Ethiopians. Professor Tilahun Yilma of the University of California had described Ethiopia as a "tribal homeland", while Professor Minase Haile, former Foreign Minister of Ethiopia and currently a professor at Yeshiva University, had said that Ethiopia's Constitution institutionalized tribalism. On the purpose of Ethiopian politics, Professor Messay Kebede, professor of philosophy at the University of Dayton, had said that the power of the Tigray People's Liberation Front (TPLF) was totally dependent on the pursuit of Tigrean hegemony, at the cost of national unity. *The Ethiopian Review* had written that the policy of Prime Minister Meles and TPLF was one of "Tigray über Alles" and sought to couple Tigray's military power with economic power, and that "never in the history of Ethiopia have so few confiscated so much wealth from so many in such a short period of time". Professor Worku Aberra, senior lecturer in economics at Dawson College, Montreal, had written that despite the disproportionate economic and human costs to non-Tigreans, the regime was still pursuing its discriminatory economic policy against them.

83. According to *The Ethiopian Register*, the strategy of Prime Minister Meles was to ensure Tigrean domination from Massawa, in Eritrea, to Mogadishu, in Somalia. The regime had adopted the "Afrikaner" method of imposing minority rule through minority control of the armed and security forces. *The Ethiopian Register* also accused the regime of fanning historical grievances among Ethiopia's other ethnic groups, as part of a policy of divide and rule, and of promoting ethnic discrimination and ethnic cleansing in Ethiopia. Furthermore, Ethiopians who spoke up for human rights, democracy and a non-ethnic political system were being imprisoned on false charges.

84. He doubted whether Ethiopia could be considered a democratic State when it had over 10,000 political prisoners, four fifths of the country's journalists were in prison and extrajudicial executions and torture were being carried out. Contrasting Ethiopia with a country where there was good governance and the Government did not fear its people might show which country had the better Government.

85. **Mr. Rogov** (Russian Federation), speaking in exercise of the right of reply, said that he was surprised at the comments made by the representative of Latvia. His delegation had always believed that the Committee on the Elimination of Racial Discrimination must be respected and heeded, and it reserved the right to raise

the issue of the Russian-speaking population of Latvia during the consideration of other items, both in the Third Committee and in other Committees.

86. **Mr. Tessema** (Ethiopia), speaking in exercise of the right of reply, said that the rule of law prevailed in his country. It was possible to criticize the Government, and there were also intellectuals, including some who held dissident views, who wrote about economic and social issues. With regard to the sources cited by the Eritrean representative in support of his allegations, other academics had written in glowing terms about Ethiopia's democratic process.

87. Ethiopia had been the object of aggression by a neighbouring country and all Ethiopians were united in resisting it, as they had been on an earlier occasion. He wished to remind the Eritrean delegation that it should not misinterpret the political debate taking place in his country, which was trying to establish democracy after a long civil war. In May 1998, Eritrea had launched an unprovoked attack on Ethiopia and, despite the international community's intervention, continued to commit atrocities against Ethiopian nationals living in its territory. It was inappropriate, therefore, to refer to the system of government in the two countries or to try, as Eritrea was doing, to divert attention from the main issue, which was Eritrea's aggression. Ethiopia had always been committed to resolving the dispute with Eritrea peacefully. It had not committed any aggression against a neighbouring country and it had systemically accepted the proposals put forward by the United States, Rwanda and OAU.

88. **Mr. Tekle** (Eritrea), speaking in exercise of the right of reply, said that his country's position on the issue of aggression had been made amply clear on several occasions, including during the general debate in the plenary at the current session. From the beginning of the conflict, it had called — and it continued to call — for a peaceful and legal settlement. It had signed all three OAU documents, but Ethiopia had yet to sign the third document which would enable OAU and the United Nations to initiate the implementation of the peace package. In fact, it had kept up its ultimatum that unless Eritrea withdrew unilaterally and unconditionally from its own territories, Ethiopia would make it do so by force. At that very moment, Ethiopia's leaders were declaring the completion of their preparations for an all-out war. Lastly, it was farcical that Ethiopia should accuse Eritrea of being the major source of regional destabilization, when on 20 October 1999 it had supplied several planeloads of armaments to Somali factions.

The meeting rose at 6.05 p.m.

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Summary record of the 23rd meeting
Held at Headquarters, New York, on Wednesday, 27 October 1999, at 10 a.m.

Chairman: Mr. Galuška ..... (Czech Republic)

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Agenda item 112: Promotion and protection of the rights of children

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99-81911 (E)

The meeting was called to order at 10.15 a.m.

Agenda item 112: Promotion and protection of the rights of children (A/54/98, 265, 411, 419 and 430)

1. **Mr. Otunnu** (Special Representative of the Secretary-General for Children and Armed Conflict), introducing his report in document A/54/430, said that, during his visits to several countries, including Sri Lanka, Burundi, the Sudan, India and Sierra Leone, parties to conflicts had committed themselves to a number of measures, including not targeting civilian populations, not blocking access to populations in distress, not interfering with the distribution of relief supplies, observing humanitarian ceasefires, not attacking schools or hospitals, not using landmines and not recruiting or using children as child soldiers. Governments, the Security Council, regional organizations, United Nations agencies, non-governmental organizations and civil society organizations must reinforce those commitments through their own channels of communication and influence.

2. The protection and welfare of children should be part of all negotiations to end war and should be included in peace accords. In his recent visits to Burundi, Sierra Leone, the Sudan and Colombia, Governments and insurgency groups had agreed to place that issue on the agendas of the peace processes currently under way in their countries. Furthermore, the key actors responsible for designing post-conflict peace-building programmes should make the needs of children a central concern from the outset in their planning, programming and resource allocation. The protection and welfare of children should also become a clear priority in all United Nations mandated peace operations.

3. To achieve that, the protection and rehabilitation of children must be specifically incorporated into the mandates of peacekeeping operations; and a senior child-protection advocate should always be attached to each operation. Appropriate training must be given to peacekeeping personnel concerning the protection of the rights of children and women. He was pleased to report that those new elements had been incorporated into the mandate and staffing of the United Nations Observer Mission in Sierra Leone (UNOMSIL), and that he was working to set up similar arrangements for the peacekeeping operations in Kosovo, the Democratic Republic of the Congo and East Timor.

4. In order to end the recruitment and use of children in armed conflict, he strongly supported raising the age limit for their recruitment and participation from 15 to 18. There was an urgent need to place international pressure immediately on armed groups that were currently abusing children as combatants. In addition, it was important to address the political, social and economic factors that created an environment facilitating the exploitation of children in that way. Programmes must be set up to rehabilitate and reintegrate child soldiers to prevent them from being further exploited. He urgently appealed to all States to cooperate actively to conclude, by January 2000, the work on a draft optional protocol to the Convention on the Rights of the Child on involvement of children in armed conflict, which would focus action on the urgent task of curbing child soldiering.

5. Local capacities for protecting children affected by armed conflict must be built and strengthened. He had advocated a number of initiatives in that connection, including the establishment of national commissions for children to ensure that their welfare was a major priority in the aftermath of conflict, the formation of informal groups of elders and statesmen to serve as local advocates for that issue, and the setting up of parliamentary caucuses for the protection of children. He had made it a particular priority to ensure that the protection of children affected by armed conflict was a major concern of the Security Council, and he continued to encourage deeper engagement of the Council in that regard.

6. The adoption of Security Council resolution 1261 (1999) was an important milestone in promoting the cause of children affected by armed conflict. The resolution demonstrated the Council's commitment to protect those children, set forth important measures for protecting and ensuring the welfare of children during and after armed conflict and made that issue an important question that legitimately belonged on the Council's agenda. He called upon all concerned to make full use of that new advocacy tool and encouraged the Security Council to apply the measures set forth in the resolution in its future consideration of specific crisis situations and in mandating peacekeeping operations.

7. Over the past year, he had made it a priority to establish strong cooperation with the European Union and its institutions in order to encourage the Union to make the protection of children affected by armed conflict a significant aspect of its own agenda. Communities of faith also had a crucial r .le to play in that regard through their advocacy and work in the field. Religious leaders and institutions should use their moral influence and presence within communities to promote the protection of children and women. He had developed a framework of cooperation with the World Council of Churches (WCC) and had held

consultations with the Organization of the Islamic Conference to explore possibilities for future collaboration. In addition, the international business community should assume its social and corporate responsibility in that regard and refrain from conducting business that fuelled war machines. As a start, they should adopt voluntary codes of conflict within their own industries to address that serious issue.

8. The time had come for the international community to launch an "era of application" in order to apply international norms and standards. Over the past 50 years, a truly impressive body of international humanitarian and human rights instruments had been developed. The impact of those instruments, however, remained woefully inadequate in the field. Energy must be focused on ensuring their practical application and compliance with them. That could be done only if the international community was prepared to employ its considerable collective influence to that end.

9. Local value systems that traditionally provided ethical bearings in many societies must not be cast aside. In most societies, distinctions between acceptable and unacceptable practices were maintained, with taboos and injunctions proscribing the targeting of civilian populations, especially children and women. Everything must be done to reassert the values and taboos that had traditionally been instrumental in protecting children and women in time of conflict. The mainstay of that effort must be the local community, through community-based initiatives.

10. In discussions with Governments and through public advocacy, he had mobilized support for the signing and ratification of new international legal instruments that provided for the protection of children in situations of armed conflict. The Rome Statute of the International Criminal Court, adopted in June 1998, provided for jurisdiction over several child-specific crimes. The main responsibility for developing operational programmes to promote the protection and welfare of children lay with the operational agencies and bodies that had the resources, expertise and field presence. He had invested a great deal of time and energy in building a framework of collaboration with his office's key partners within the United Nations system. Delegations had a very important role to play in making collaboration a serious exercise through their activities at various levels and by conveying a consistent message on that issue. He hoped that the work of delegations, operational United Nations agencies and non-governmental organizations in that field would result in a self-sustaining critical mass of activities and heightened awareness at all levels.

11. There was a need to seek to respond to all the dimensions of the suffering and victimization of children in armed conflict. In order to maintain credibility and solidarity, the international community must be seen to be responding with the same level of concern wherever children were in need of protection and support and must not allow itself to regard as normal a phenomenon that represented a radical departure from the fundamental norms of conduct in all societies. On the eve of the new millennium, the international community must resolve to make the world safe for all children.

12. **Ms. Calcetas-Santos** (Special Rapporteur on the sale of children, child prostitution and child pornography), introducing her report in document A/54/411, said that her country visit to Guatemala in July 1999 had confirmed her earlier perception that the definition of "sale" that was currently being considered by the working group on a draft optional protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography should include all instances of sale and should not be limited to sale for commercial sexual exploitation. International adoption procedures in Guatemala were rife with legal loopholes and abuses that allowed for the almost free trade of children for adoption. She expressed thanks to the Government of Guatemala for its candour in discussing the contributory factors giving rise to that problem and its commitment to carry out immediate reforms.

13. Her forthcoming report to the Commission on Human Rights would focus on the relationship between domestic violence, abuse and neglect and the use of children in prostitution and/or pornography. The effect of domestic violence on children had not been extensively researched. There were hardly any disaggregated data on the age and gender of children subjected to domestic violence. Article 19 of the Convention on the Rights of the Child sought to provide children with the broadest range of protection against any kind of domestic violence, abuse and neglect. Under that article, Governments were charged with protecting children against neglect and abuse by parents or other persons who cared for them. It was not difficult to imagine the link between abuse in the home situation and commercial sexual exploitation. Sexual and other kinds of abuse were usually the main reasons why children ran away from home. Domestic violence also gave rise to other equally strong factors linked to prostitution and pornography, such as drug and alcohol abuse.

14. In September 1999, she had made a country visit to Fiji, following reports that that country and other Pacific islands were becoming popular alternative destinations for child-sex tourists, particularly in view of the more stringent

preventive measures in other countries in the region. The Fiji situation was proof of the contagious nature of the affliction besetting children in the field of commercial sexual exploitation. Reports from both governmental and non-governmental agencies confirmed the fact that children were being victimized by local and tourist clients.

15. One particular case involved an Australian resident, who had been found to have thousands of pornographic pictures of children, including Fijian children, three of whom were still staying with him. The involvement of children in commercial sex was evident from the existence of high-risk indicators, such as the growing number of street children, the high rate of drug and alcohol abuse by children, the growing number of reported cases of family abuse, the influx of tourists and the general lack of awareness of the problem.

16. It was very regrettable that the Government of Fiji had not shown any willingness to recognize the fact that the country could no longer ignore that issue. That was evident from the failure and/or refusal of the ministers of crucial departments responsible for protecting children to meet with her in spite of her specific requests. The report on her visit to Fiji would be submitted to the Commission on Human Rights in 2000, and she hoped to engage in a substantive dialogue with the Government of Fiji on that occasion. Lastly, on the occasion of the tenth anniversary of the adoption of the Convention on the Rights of the Child, it was very sobering to note that unabated rampant violation of children's rights in the areas falling within her mandate still persisted all over the world. Efforts must continue to ensure that children were not damaged beyond salvation.

17. **Mr. Somavia** (Director-General, International Labour Organization (ILO)) said that some 250 million children under the age of 14 worked for a living, with 60 million engaged in abhorrent forms of labour. Theirs was a voice which could no longer be ignored. The unanimous adoption on 17 June 1999 of ILO Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour represented a major contribution to the celebration of the tenth anniversary of the United Nations Convention on the Rights of the Child.

18. The recent Global March against child labour had further demonstrated the global consensus on the importance of eliminating certain forms of child labour. One country, the Seychelles, had already ratified the new instrument, and ILO, meanwhile, had launched a global ratification campaign. Although the highly complex and sensitive issue of child labour was not restricted to developing countries, it was intrinsically linked to the issue of development. It was primarily poverty and parental unemployment which kept children from attending school.

19. As the International Programme on the Elimination of Child Labour (IPEC) had shown, the elimination of child labour was not an impossible dream. Initiated by ILO in 1992, the programme had been instrumental in providing sustainable alternatives to child labour in specific cases throughout the world. In Tanzania, some 4,500 girls had been withdrawn from domestic work; in Nepal, more than 4,000 children had been rescued from hazardous work, and the Government had been persuaded to make child labour and child trafficking national priorities; in Guatemala, 700 teachers had been trained to work with child quarry workers and alternatives had been provided to families; in the Russian Federation, a new IPEC project in St. Petersburg, where there were currently up to 30,000 working street children, aimed to withdraw up to 5,000 children from the street within three years.

20. With a view to reaching more children and promoting a sustainable commitment to the rights of the child at the national level, ILO was determined to enhance its collaboration with other partners, such as the United Nations Children's Fund (UNICEF), the Commission on Human Rights and the Bretton Woods institutions, particularly within the framework of their national poverty alleviation plans. Lastly, he urged the Committee to help mobilize political support for ratification and implementation of ILO Convention 182. The world's children deserved no less.

21. **Mr. N'diaye** (Office of the United Nations High Commissioner for Human Rights (UNHCHR)) expressed strong support for the work of the Committee on the Rights of the Child. At its three sessions in 1999, that Committee had considered seventeen country reports. In view of the considerable backlog of reports generated by the quasi-universal ratification of the Convention, it had decided to consider eight reports per session as of January 2000, with a view to increasing the number to nine. Also in order to enable the Committee on the Rights of the Child to better cope with the volume of work, it was to be hoped that the required number of States would approve the amendment to the Convention adopted by the General Assembly in its resolution 52/107, which would increase the Committee's membership from ten to eighteen experts.

22. The working group on a draft optional protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography had held its fifth session in 1999. The working group was currently considering the scope of the proposed optional protocol and discussing definitions, in particular that of the "sale of

children". Agreement had been reached on the need to criminalize child prostitution while protecting the children involved. The Commission on Human Rights had expressed the wish that the protocol be adopted by the year 2000; it was to be hoped that informal consultations would enable that deadline to be met.

23. The working group on a draft optional protocol to the Convention on the Rights of the Child on involvement of children in armed conflict had held its fifth session in 1999. While still negotiating contentious issues such as the age limit for recruitment and participation in hostilities, the working group had reaffirmed its commitment to concluding its work in the year 2000.

24. **Ms. Bellamy** (Executive Director, United Nations Children's Fund (UNICEF)) said that the Convention on the Rights of the Child had entered into public consciousness in an unprecedented manner, becoming the emblem of a global movement for the rights of children. Concerted action was required to intensify the momentum to mainstream concern for child rights throughout the United Nations. It was encouraging that agreements now existed to ensure legal safeguards in the process of inter-country adoption, fight impunity for war crimes committed against children and combat the scourge of landmines.

25. In regard to inter-agency collaboration, UNICEF would be supporting the call by ILO for the universal ratification of Convention No. 182. The Fund, through its country programmes, also actively supported the crucial work of the Committee on the Rights of the Child, *inter alia* in the areas of law reform, institutional capacity-building, the collection of child-specific data and the promotion of a culture of respect for child rights, with the active participation of children. UNICEF also worked in close cooperation with UNHCHR, whose plan of action to strengthen the implementation of the Convention on the Rights of the Child was being implemented with increasing effectiveness.

26. Increasing numbers of countries were now incorporating the Convention into domestic law. It had been demonstrated that, even with limited resources, progress could be made towards creating an enabling environment where all rights of all children were respected, where children participated in all aspects of public life, and where their well-being was recognized as the principal indicator of human progress. Such progress depended primarily on political will.

27. Although much had been achieved in the short life of the Convention, many millions of children remained unaffected by the progress made. None of the anniversary events of 1999 could thus be characterized as a cause for celebration. The tenth anniversary of the adoption of the Convention on the Rights of the Child should, rather, be seen as "a cause for concerted action". It was impossible to ignore the fact that 650 million children were currently trapped in extreme poverty, struggling to survive on less than a dollar a day and that 32,000 children a day continued to die from totally preventable causes such as malnutrition, respiratory infections and malaria. Moreover, 130 million children in developing countries — two thirds of them girls — did not attend school, while 50 million children and women were victims of armed conflict, violence and exploitation.

28. The Convention on the Rights of the Child called for international solidarity for the promotion of child rights, yet in the decade since its adoption, assistance to the world's poorest countries had declined sharply. The worst effects were felt in those countries where under-five mortality was highest, where there was the least access to safe water, where women bore more than five children, and where more than one in five children were excluded from primary education. It was crucial that such trends be reversed.

29. A number of other factors further exacerbated the situation. Globalization was only increasing disparities between and within nations, with women and children being the most affected. The burden of foreign debt was one of the greatest obstacles to realizing the rights of the poorest: Sub-Saharan Africa, for example, devoted far more resources to servicing its debt than it did to promoting the health and education of its 300 million children. Children and women throughout the world had become the primary targets in war, hence the Fund's Peace and Security Agenda for Children. HIV/AIDS, too, was undermining the decade's achievements in child health and survival.

30. Despite a global economy worth nearly $30 million billion and breathtaking technological advances, an obscene gulf separated those who enjoyed the fruits of progress from those who did not with millions of children continuing to be denied their fundamental rights. It was imperative to begin to bridge that divide if a just and peaceful world was to be created.

31. UNICEF called on the global community to invest in future generations of children by ensuring that infants began life healthy and that young children were nurtured in a caring environment, that all children — including the poorest — had access to basic quality education; and that all adolescents developed fully and participated in shaping their societies. It seemed that a global consensus on those objectives was within reach, and that the world might finally be ready to alter the course of human development by

shifting national investments to favour the interests of children. The international community must seize the moment and mobilize support for a new global agenda for children in conjunction with the special session of the General Assembly in 2001 to review the achievement of the goals of the World Summit for Children. Such a cause required strong leadership from Governments, as well as the support of civil society and other partners.

32. **Mr. Rabuka** (Fiji), speaking in exercise of the right of reply, challenged the view expressed by Ms. Calcetas-Santos that Fiji was being used for the purposes of child sex tourism. It was necessary to be more specific about so-called "high-risk indicators", such as "the growing number of reported cases of family abuse" and the "influx of tourists". Mr. Mutch, the Australian in question, was a legitimate businessman, who had been in Fiji for years. Until proven guilty, Fiji's Constitution required that he be presumed innocent. Besides, even if the occasional tourist was caught committing an offence, that did not mean that all tourists came to Fiji for the purposes of sex tourism. Fiji, indeed, was aware of its obligations and its judiciary was conscious of the need to deal with children who had been exploited or raped, or who were victims of incest. Domestic legislation in place since 1998 penalized drug trafficking and money-laundering, as well as child abuse.

33. **Mr. Schalin** (Finland), speaking on behalf of the European Union, said that the Union fully supported the efforts of the Special Representative of the Secretary-General for Children and Armed Conflict and was impressed by the detailed reporting on his field visits to various countries. It would be interesting to know more about the preparations for such visits, cooperation with United Nations agencies and non-governmental organizations in the field, as well as monitoring and follow-up, especially with regard to the commitments made by the parties to conflicts. The European Union would also like to know how the Special Representative viewed his mandate and what the legacy of his current mandate would be.

34. Further information would be appreciated with regard to the rights-based approach to programming that UNICEF had adopted and on practical experience in that regard, including difficulties in changing attitudes within the Fund, on the part of other partners and at the country level. It would be interesting to know what the Fund's expectations were with regard to the preparations for the special session of the General Assembly in 2001 to review the achievement of the goals of the World Summit for Children. Further information would be appreciated concerning the UNICEF Internet Web page entitled "Making Children Count" and the division of labour in the field between the Fund and the Special Representative on Children and Armed Conflict.

35. The European Union strongly supported the work of the Special Rapporteur on the sale of children, child prostitution and child pornography. The issue of the sexual exploitation of children was dealt with in many areas of the system. He asked the Special Rapporteur whether her work was being supported by other United Nations agencies such as UNHCR and to what extent she was able to use information provided by other actors in the system. The sexual exploitation of children in the family environment was of great concern to the European Union, which welcomed the Special Rapporteur's intention to focus on the causes of such exploitation in her next report to the Commission on Human Rights and would appreciate any preliminary observations on that question.

36. The Union believed that the only way to deal with the sexual exploitation of children on the Internet was effective international cooperation involving all relevant actors. Further information would be welcome with regard to the different ways Governments and other actors were addressing the challenges and opportunities presented by the new information technologies and on concrete measures taken in that area. Lastly, he requested all the panel members to indicate what the greatest achievement had been in the area of protecting the rights of children during the past 10 years and what the greatest challenge would be in that regard in the future.

37. **Mr. Zoumanigui** (Guinea) said that his delegation had followed with great interest the Special Representative's recent visit to West Africa, particularly Sierra Leone and Guinea, and would appreciate further information on the proposed pilot project for children in Sierra Leone.

38. **Mr. Boichenko** (Russian Federation) asked the Executive Director of UNICEF to give an assessment of the changes in the situation of children in Iraq since the publication of the Fund's report on that country in August 1999. It would also be interesting to learn her views and those of the Special Representative on sanctions in general and in the context of the Convention on the Rights of the Child.

39. **Ms. Alburquerque** (Portugal) requested the Special Representative of the Secretary-General to provide information on the impact of his activities as an advocate for children on the work of other actors in the field, including UNICEF, UNHCR and non-governmental organizations. Further information would also be appreciated with regard to the results of his visits to countries affected by armed conflict, particularly with regard to the commitments

undertaken by parties to conflicts and the system for assessing their observance. Her delegation would also like additional information on the Special Representative's specific initiatives in East Timor and cooperation with other actors in that regard. Lastly, it would be interesting to learn how the Executive Director of UNICEF viewed the Fund's work as the United Nations lead agency for children in terms of advocacy, policy dialogue and operational work.

40. **Mr. Otunnu** (Special Representative of the Secretary-General for Children and Armed Conflict) said that answers to many of the questions raised could be found in his report in document A/54/430 and his introductory statement, which would be distributed to delegations. Preparations for a country visit began with long and intensive contacts with the United Nations country team, usually through the resident coordinator, in preparing the agenda, the issues to be raised and the programme to be carried out. At the same time, contacts were made with the headquarters of the agencies involved, usually UNICEF and UNHCR. An informal advisory group was convened, bringing together all the key partners. Messages were sent to United Nations agencies and departments, non-governmental organizations and Governments which had particular links with the country concerned, requesting their suggestions and input. That process required a great deal of time in order to draw up an agenda with a set of issues concerning a particular country.

41. His office was tiny and expended an enormous amount of time and energy contacting operational agencies and seeking their input and advice both at their headquarters and in the field. Collaboration within the United Nations system did not come about easily. It involved a lot of work on the part of all parties concerned. Delegations had a very important role to play in that regard by virtue of the positions which they put forward in various governing bodies and the message that they conveyed to the various actors concerning collaboration.

42. Like preparations for country visits, follow-up measures also entailed a lot of discussion with the operational agencies. Meetings were convened within the executive committees and informal advisory groups, and constant contact was maintained with the United Nations country team, the Government concerned and the parties to the conflict, both during and after the visit. With regard to the legacy of his mandate, section III of his report (A/54/430) provided information on action and initiatives to protect children affected by conflicts and indicated the practices and arrangements that he hoped would remain in place. The report also identified certain actors such as the Security Council, the European Union, regional organizations, communities of faith, and non-governmental organizations, which, it was hoped, would continue that work. Above all, the recommendations at the end of the report should form the basis for a dialogue with delegations.

43. It was for the Member States to decide what should be done with the mandate of the Special Representative. His own view was that it should be of limited duration and that the objective should be to establish a critical mass of activities and arrangements at all levels with the actors involved that could be sustained indefinitely. In the past one-and-a-half years, priority had been given to working with the European Union and the European Parliament. The report detailed some of the concrete initiatives that had emerged in that context.

44. He viewed his role as one of an advocate for the protection of children, providing political and intellectual leadership, suggesting ideas and approaches to the operational agencies and non-governmental organizations, encouraging good work in the field, creating an environment favourable to political and humanitarian initiatives to resolve difficult situations, and promoting a concerted and effective approach on the part of the various actors, including UNICEF, UNHCR, UNDP and WFP.

45. Quite frankly, the international community had no reason to congratulate itself on what had been achieved in the past 10 years. The situation on the ground was unbelievably appalling, particularly for children caught up in the midst of armed conflict. In actual fact, the greatest achievement over the past decade was the adoption and almost universal ratification of the Convention on the Rights of the Child. The next step was to launch an "era of application" in order to ensure the practical implementation of the Convention.

46. Sierra Leone had experienced a major setback owing to internal difficulties and the "wait and see" attitude adopted by the international community, which should have helped the Government, the democratic forces, and ECOMOG consolidate peace in the country. That had not happened and, as a result, Sierra Leone had endured an unspeakable tragedy. His office was seeking to resume work on the pilot project. In general, Sierra Leone, Kosovo, East Timor and the Democratic Republic of the Congo should remain at the centre of the international community's attention.

47. Sanctions were a crude form of punishment since those who suffered the most were the most vulnerable and the most innocent, children. He had urged the Security Council and other bodies to ensure that sanctions were organized in such a way as to allow for the protection of children. That was why he had urged the Council to incorporate humanitarian

considerations in dealing with armed conflicts, leading to the adoption of resolution 1261 (1999). The test would be whether that approach could be applied in specific situations. With regard to the impact of his activities on the work of other actors in the field, he pointed out that his office worked with the operational agencies both at the country level and at headquarters and sought to bring donors, non-governmental organizations and United Nations agencies together in order to make the combined effort as effective as possible.

48. In order to ensure the observance of political commitments by parties to conflicts not to recruit children, not to interfere with humanitarian ceasefires and not to attack civilian populations, the international community must work together and engage all key actors. Governments had a very important role to play in that regard in view of their influence with other Governments and insurgent groups. His office relied on the country teams to monitor the observance of commitments and to inform him about what was happening on the ground. Lastly, his office was deeply preoccupied with the situation in East Timor and was in the process of working with a new country team and operational agencies to see how best to meet the needs of the children affected by the upheaval there.

49. **Ms. Bellamy** (Executive Director, United Nations Children's Fund (UNICEF)) said that the Fund was actively engaged in rights-based programming. That initiative had taken some time and had involved engagement, participation, reflection, debate and field work. Mistakes had been made and lessons learned. The Fund had conducted a series of actions for disseminating information on the protection of children from sexual exploitation, children in armed conflict, the new ILO Convention, and the role of human rights treaty bodies. Training materials had been prepared for UNICEF staff, and periodic workshops and discussions had been held at the regional and country level. In negotiating UNICEF programmes with partner Governments, a holistic approach was taken to meeting all the needs of children through the perspective of children's rights.

50. The Fund also participated in activities within the broader United Nations system, for example, in setting up the United Nations Development Assistance Framework (UNDAF), establishing guidelines to ensure the inclusion of human rights norms. The common country assessment included human rights indicators, and UNICEF was participating in the development of human rights materials for United Nations country teams. Accordingly, the Fund had attempted to make a contribution based on its own working instruments as well as its increasing experience at the country level. Occasional difficulties arose in persuading partners to work on the basis of an integrated approach, and financing and budgeting could create problems.

51. UNICEF was working with the initiators of the World Summit for Children and had been engaged in a process of preparing for the special session of the General Assembly in 2001. It had developed assessment tools for the multiple indicator cluster survey and required the assistance of Member States to ensure that the data used were accurate so that specific lessons could be learned. That also represented an opportunity to engage Governments and the entire international community in taking the agenda for children into the twenty-first century, ensuring that the present survival agenda was completed and mobilizing global leadership in order to put the interests of children at the forefront of their efforts.

52. The Fund's Internet Web page, "Making Children Count", was designed to be an effective tool for providing accurate and useful information on general measures to implement the Convention on the Rights of the Child and would be an ongoing information service. In the past five or six years there had been an enormous increase in the number of conflicts in the world, placing ever greater demands on the Fund's activities. Since UNICEF had country programmes in 160 countries, it was present before, during and after conflicts and was very much engaged in policy advocacy and operations in the field. The role of the Special Representative of the Secretary-General was very important in focusing public attention on particular issues in specific areas and identifying the necessary steps to be taken.

53. UNICEF had conducted a thorough survey of child mortality in Iraq and had found that there had been a deterioration in child mortality rates during the past decade, particularly in the central and southern parts of the country. Conditions were somewhat better in the north. The Fund had concluded that that situation was the result of a number of factors, including greater humanitarian assistance in the north than in the south. At the same time, there should be more of a commitment to act by the Government of Iraq itself in the central and southern areas. UNICEF had urged that a targeted nutrition programme should be put into place at an accelerated pace.

54. While sanctions were tools that the United Nations employed when it chose to do so, the Fund had urged that the impact of sanctions on children should be monitored and that humanitarian exemptions should be instituted where possible. Lastly, she agreed with the Special Representative of the Secretary-General that the greatest achievement in the past 10 years had been the almost universal ratification of the Convention on the Rights of the Child and the activities

undertaken in many parts of the world to implement it. The greatest challenge ahead was to bridge the gap between words and action.

55. **Ms. Calcetas-Santos** (Special Rapporteur on the sale of children, child prostitution and child pornography) said that she had been careful while in Fiji not to comment on the case of the retired Australian businessman being held on child pornography charges (see A/54/411, para. 37) because the matter was *sub judice*; that stricture seemed less relevant before the Committee. She had cited the case in her interim report because she had felt that it, more than any other factor, had awakened people to the threat to children in Fiji. The suspect, Mr. Mutch, had been arrested after he had sent his laptop computer to Australia for repair and the repair engineer had contacted the authorities on discovering that the machine held thousands of pornographic photographs of children. She had seen some of the pictures, including those of three girls aged between 8 and 11, whom Mr. Mutch had had in his custody; they were eloquent evidence that he was not, as he had been described, respectable. However, because of Mr. Mutch's public persona and habit of distributing presents, even some of the parents whose children he had photographed were withdrawing charges against him. Clearly there was still a need to publicize the fact that children had rights and to emphasize that those rights should not be neglected in return for favours.

56. A lack of statistics should not be an excuse for government inaction against the sexual exploitation of children. As she constantly said, the presence of large numbers of street children, drug and alcohol abuse by children, intra-family abuse and an influx of tourists were all indicators that a country might have a child sexual exploitation problem. All those indicators were present in Fiji. While the police and non-governmental organizations might report that there were no pimps in Suva, that was because there was little foreign tourism there, so that pimping was not worthwhile. The situation seemed very different in Nandi, where there were numerous foreign visitors. She appreciated the need to protect Fiji's tourism industry and had, therefore, emphasized the fact that Mr. Mutch was a resident of the country, not a tourist. Sadly, however, when tourists were present in a country, children were often a very good trading commodity.

57. Those who questioned whether abuse within the home could extend to the commercial sexual exploitation of children should ask themselves how it was that, of two children from similar backgrounds, one would become a prostitute and the other, from a supportive family, would not. Her interviews with children had shown her that that was a common phenomenon. Given that, as Special Rapporteur, she had no resources, United Nations agencies' cooperation with her was far below the desirable level. UNHCHR was, however, beginning to take her mandate seriously. She looked forward to institutionalized, rather than the current ad hoc cooperation with UNICEF, which she viewed as her natural partner. It was because of information from UNICEF that she had made her visit to Fiji. As her interim report showed, she also sought help wherever else it might be found.

58. Concerning the importance of the Internet for her work, she referred the Committee to her 1998 report to the Commission on Human Rights (E/CN.4/1998/101). The greatest achievement of her work to date was the growing realization worldwide that children had rights. Her greatest challenge for the future was to instil awareness that those rights could not be enjoyed unless conditions were created for that.

59. **Ms. Ahmed** (Sudan) assured Mr. Otunnu that her country was wholeheartedly in favour of his noble task and goals and was ready to contribute as far as it could to their fulfilment. Observing that he had referred to the importance of preserving local values, she asked how traditions could be integrated into children's education from the earliest stages so that they grew up in a spirit of respect for their societies and peace.

60. **Ms. de Armas Garcia** (Cuba) said that she had great sympathy with Mr. Otunnu's remarks concerning the importance of his mandate. Her Government was deeply attached to the promotion of children's welfare wherever their situation and had shown what could be done both nationally and internationally in that regard. It was regrettable that Mr. Otunnu's report had not been distributed in time for the detailed study and intergovernmental decisions that its contents warranted. Some aspects of the report should, for example, be discussed in other forums besides the Committee.

61. Regarding the references in the report to the role of the Security Council and to Council resolution 1261 (1999), it should be noted that the Council had a mandate to preserve international peace and security and prevent war. Humanitarian issues, especially the protection of children, were essentially matters for the General Assembly and Economic and Social Council, and it was there that action on them should start. In fact, protecting children against the effects of armed conflict, hunger, underdevelopment and exploitation was vital for the future of the world and a task in which every part of the United Nations system and the international community should participate within the limits of its mandate.

62. **Mr. Sergiwa** (Libyan Arab Jamahiriya) said that, deeply committed though Mr. Otunnu clearly was to preventing the involvement of children in armed conflicts, the scale of such involvement was still horrifying. What did Mr. Otunnu think should be done to persuade States to do their utmost to prevent the recruitment of child soldiers and what was being done to rehabilitate former such soldiers?

63. **Monsignor Reinert** (Observer for the Holy See) asked Ms. Calcetas-Santos whether her report to the fifty-sixth session of the Commission on Human Rights would show how protection of the family could be a way of preventing child exploitation.

64. **Mr. Bhatti** (Pakistan) congratulated Mr. Otunnu on his efforts to bring to the fore the sad situation of children in armed conflicts. He agreed that there was a need to focus on the breakdown of value systems as a factor of that situation. As the representative of a country where traditional family values were strong and revered, he was greatly concerned by the reference in paragraph 2 of Ms. Calcetas-Santos' report to the catalytic role of the family in child sexual exploitation. Did Ms. Calcetas-Santos think that the family as an institution contributed towards such exploitation or was it the breakdown of the family that was the cause? He would also like clarification concerning the reference in paragraph 40 of the report to reluctance to protest about sexual abuse of children because of a fear of losing income.

65. **Mr. Al-Humaimidi** (Iraq) said that the main speakers' statements had all demonstrated their commitment to children's rights. Mr. Otunnu's efforts to alert the international community to the plight of children in armed conflicts were highly laudable, but his task was extremely difficult. His report showed clearly how children suffered in countries on which sanctions had been imposed. Iraq had deep respect for Ms. Bellamy and her work and was eager to see follow-up to her visits and the understanding she had demonstrated of sanctions' impact on children. If children's health was better in northern Iraq than in the other parts of the country, it was because that area, being under the control of foreign Powers, was not blockaded. With regard to central and southern Iraq, the recent assertion to the Security Council that food and medical supplies intended for those areas were being stockpiled rather than distributed was false and the result of a misunderstanding concerning the operation of the various delivery contracts involved.

66. **Mr. Otunnu** (Special Representative of the Secretary-General for Children and Armed Conflict) said, with reference to the statement by the representative of the Sudan, that he believed very firmly that there were two pillars of protection for children in the event of armed conflict: universal norms and local standards. In the latter case, it was important to distinguish between bad traditions, which did not adequately protect children's rights and positive traditions, which did. There were recent examples from various parts of the world of decisions by parties in conflict with each other to revise traditions that did not correspond to modern human rights standards.

67. He agreed with the representative of Cuba that protecting children was a matter for numerous bodies, including, for example, the Third Committee and the Economic and Social Council. He was sure, however, that the representative of Cuba would also agree that the Security Council, like other organs, had a role to play when peace and security were disrupted. Regarding the question from the representative of the Libyan Arab Jamahiriya as to what was needed to halt recruitment of child soldiers, he drew attention to the importance of addressing what he had termed in paragraphs 17 to 26 of his report the "many faces" of children's suffering as a result of armed conflict. As for ending recruitment of children, he pursued the three-pronged approach outlined in paragraph 45 of his report.

68. **Ms. Bellamy** (Executive Director, United Nations Children's Fund (UNICEF)) expressed her appreciation for the opportunity to address the Committee and subscribed to Mr. Somavia's comments concerning the Committee's importance. She urged the members of the Committee to participate, by action in the Committee and in their home countries, in meeting the common challenge of ensuring that, instead of dying from armed conflicts and AIDS, children enjoyed their rights to survive, to grow and to fulfil their potential.

69. **Ms. Calcetas-Santos** (Special Rapporteur on the sale of children, child prostitution and child pornography) assured the representative of Pakistan that, in referring to the link between the home environment and children's vulnerability to prostitution and pornography, she had had in mind abusive homes, not homes in general. The horrors to which parental abuse of children could lead could perhaps be judged from the fact that one child prostitute had told her that she considered involvement in commercial sex preferable to life in her family, where she had been sexually abused without any improvement in her level of living. States should, however, reflect carefully on how to protect children when abuse by a parent was detected: too often the reaction was to place the child in an institution, thereby adding to the burden of abuse the quadruple punishment of separation from the caring parent, the siblings, the physical home and the familiar wider environment.

The meeting rose at 1.20 p.m.